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# JUDAISM

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## **HOMOSEXUALS AND HOMOSEXUALITY**

**PSYCHIATRISTS, RELIGIOUS LEADERS**

**AND LAYMEN**

**COMPARE NOTES**

**Ira Eisenstein • David M. Feldman • Robert Gordis  
Sol Gordon • Nathaniel S. Lehrman • Hershel J. Matt  
Henry Rabinowitz • Natalie Shainess • Rav A. Soloff  
Walter S. Wurzbarger**

## **THE MEANING OF SUFFERING**

**Matthew B. Schwartz**

## **THE DISABLED IN OUR MIDST**

**Alan Henkin**

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JUDAISM, conceived as a free and non-partisan organ, is dedicated to the creative discussion and exposition of the religious, moral and philosophical concepts of Judaism and their relevance to the problems of modern society. Through an exploration of the meaning and needs of the Jewish experience, it hopes to widen the channels of communication among Jews and to affirm Jewish verity and vitality to the world at large.

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# JUDAISM

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### STATEMENT OF PURPOSE

In increasing measure, modern men are turning again to the quest for a worldview on the issues that are timeless—the meaning of life, the challenge of death, the purpose of suffering, the significance of the individual, his relation to society, and the goal of history. In order to advance this enterprise of spiritual discovery of our time this Journal has been projected. It will be primarily concerned with the philosophy, ethics, and religion of Judaism as a factor in the contemporary world . . .

We are committed to the proposition that Judaism has positive value today for Jews and for the world . . . At the same time, we disassociate ourselves from the dangerous tendency toward the hardening of party lines on the contemporary Jewish scene . . . The members of the Board of Editors belong to every school of Jewish life or to none. The trends popularly referred to as Orthodox, Conservatism, Reform, Reconstructionism, as well as others that as yet have no specific names, have their advocates among us, though no institution or movement is officially represented . . . Undoubtedly, our differences will find expression in these pages, but we shall be at one in opposing the dogmatism which takes for granted that one's own particular standpoint has a monopoly on truth and the authoritarianism which would suppress any contrary point of view.

*Judaism* will be dedicated to the quest for truth in the spirit of freedom. Our columns will be open to anyone who has something significant to say and the ability to say it well. New and unconventional interpretations, whatever their standpoint, will be welcomed from every source, for we share the conviction of the Talmud that "Both these and the others are the words of the living God." *From the introductory article by Robert Gordis, "Toward a Renaissance of Judaism" in Vol. I, No. 1.*

## *The First Reader*

### *A Problem That Must Concern Us*

Homosexuality is a phenomenon in modern life which continues to arouse violent emotions, among both its opponents and its defenders. From time to time this persistent problem flares up to the proportions of a major crisis.

What is the teaching of Judaism on the subject? What attitude should Jews take toward the practice? What about the status of homosexuals in our society? This complex of problems is explored in the symposium, "Homosexuals and Homosexuality" in this issue of JUDAISM. Its contributors include several eminent rabbis, some distinguished psychiatrists, and lay people deeply concerned with the problem. The rabbinic and medical contributors explore various theoretic aspects of homosexuality. On the other hand, *Henry Rabinowitz*, in his paper, "Talmud Class in a Gay Synagogue" reveals some generally unknown facets of Jewish experience and thus sheds light on the human dimensions of the problem.

We publish this symposium on homosexuality out of the unshakeable conviction that light is a far more effective instrument for understanding than heat, and that Judaism is the heritage of all its children.

### *Suffering is an Eternal Problem*

Human suffering, especially by the innocent, has been the most persistent issue in religion from the days of the Bible to our own, the greatest stumbling-block to faith in God. As in the case of any major problem, there is no single, simple answer.

The rabbinic term for suffering, *yissurin*, has a variety of meanings, out of which an entire theodicy may be considered. The term implies "chastisement, instruction, and suffering."

*Matthew B. Schwartz* has surveyed the treatment of the subject in rabbinic literature in his article "The Meaning of Suffering: A Talmudic Response to Theodicy." He reviews the principal roles of suffering as



presented by the rabbis of the Talmud and the Midrash, whose basic objective was pragmatic and ethical rather than abstract and theological.

*We Are Our Brothers' Keepers*

I hope that our readers will be as conscience-stricken as I was when I read "The Two of Them Went Together': Visions of Interdependence," by *Alan Henkin*.

The author is concerned with the special disability which our society imposes on the handicapped, over and beyond their physical condition. He presents a dispassionate picture of the elements of discrimination in traditional Jewish law, as well as other major factors making for neglect and lack of concern for the disabled by the Jewish community.

He then proceeds to point out more positive elements in the tradition and concludes with a warm plea for concrete action to grant equality to everyone in our society.

*Did Solomon Know Medicine?*

"The Torah may be interpreted in forty-nine ways," the Rabbis taught and the rich treasure-trove of Talmud and Midrash demonstrates the truth of their observations. Nonetheless, our classical sources do not exhaust the subject. There are new approaches that have emerged since their day.

In his paper, "The Judgment of Solomon: Legal and Medical," *S. Levin*, a physician specializing in the care of children, offers a medical approach to the famous incident of the prostitutes and the new-born babies. He suggests that Solomon may have had objective criteria by which he decided the merits of the case.

*Women and Judaism*

The status of women in Judaism continues to be an issue of controversy, both on the theoretic as well as on the pragmatic level. Liberals and conservatives, radicals and reactionaries are all represented in the current literature on the subject.

In his paper, "Women, Religious Rejuvenation and Judaism," *S. Daniel Breslauer* analyzes the philosophic presuppositions of the various positions and seeks to find a formula of reconciliation.

*All is One*

Among the many religions of the world, some have glorified nature, others have given pre-eminence to spirit, while still others have seen a conflict between them. Not so Judaism, whose wonderfulness lies in the extent to which it maintains the idea of unity: One God, Who created an Ordered universe which can be understood by study, and in which nature

and spirit are harmonized. This point of view is elaborated on by *David W. Weiss* in "The Forces of Nature, the Forces of Spirit: A Perspective on Judaism."

### *A New Hasidic Story*

A classic talmudic passage declares, "Greater even than he who acts is he who influences others to action." The regenerative powers of classical Hasidism were not only creative in their own right, but continue to stimulate creativity in literature, music and the arts, as well as in religious and philosophic thought.

A striking example of this influence is afforded by a Hasidic story, "Reversing the Order" by *Howard Schwartz*.

### *How Do We View Israel and Zionism?*

The harsh realities of Israel's present position — and they are harsh — compel a rethinking of long-cherished ideological positions. This reconsideration may lead to a revision or even a rejection of fundamental assumptions and goals, which previously seemed self-evident and axiomatic.

In reviewing three recent books on the history and theory of Zionism, *Daniel Jeremy Silver* is led to express his disagreement not merely with the particular standpoint expressed by the authors, but with the entire ideological enterprise. He believes that in the real and brutal world of today only power really matters and that efforts to operate with theological or ethical norms are doomed to failure.

His trenchant views should stimulate thinking on the fundamental issue that has long exercised intelligent and sensitive people: what is the inherent relationship between politics and ethics? Are reality and morality truly at opposite ends of the spectrum? "The Time for Ideology is Over" is a vigorous contribution to the discussion of this basic question.

R.G.

# **HOMOSEXUALS AND HOMOSEXUALITY: PSYCHIATRISTS, RELIGIOUS LEADERS AND LAYMEN COMPARE NOTES**

## ***Homosexuality and Traditional Religion***

**ROBERT GORDIS**

APPROXIMATELY ONE THIRD OF THIS ISSUE is devoted to the theme, "Judaism and Homosexuality." That the subject is important cannot be gainsaid. It is equally clear that it has been side-stepped by the Jewish community and, indeed, by American society as a whole.

Some background information is in order. In the law codes of the Torah, homosexuality is forbidden and treated as a capital offence (Lev. 18:22 and 20:13). The practice also plays a part in two biblical incidents: Lot and the inhabitants of Sodom (Gen. 19), and the Benjaminites in Gibeah (Judges 19). Actually, the two episodes highlight the heinous sin involved in violating the ancient practice of hospitality to strangers; they are not primarily concerned with homosexuality. Nonetheless, both narratives make it clear that homosexual activity was regarded as a very serious offense (Gen. 19:7, 8; Judges 19:22-24).

The negative attitude toward the practice continued to be reflected in the Talmud and the medieval codes and responsa. That some codes omit either the prohibition or the penalty is undoubtedly due to their conviction that the practice was rare or non-existent in the Jewish community.

In recent years, the effort has been made in some quarters to attribute the violent and persistent hostility to homosexuality that marks traditional Christianity to its Old Testament roots. This charge is refuted by the unrestrained language used by Paul in attacking the practice (Romans 1:27; Corinthians 6: 9-10), which has no parallel in Jewish sources.

A tendency has grown up in our day to recognize homosexuality as "a legitimate alternate life style" alongside of heterosexual marriage. Since this attitude is at the opposite pole from that of traditional religion, most spokesmen for Judaism would not endorse it.

This negative attitude undoubtedly characterizes most Americans, Christians or Jewish, lay or clerical, believers or secularists. The nub of the



difficulty inheres in the fact that the origin and nature of homosexuality remains unknown at present. Whether it is genetic in origin, or the result of early family influences, or culturally induced by society as a whole, or by any combination of these factors, cannot be established at present. We simply do not have adequate scientific data to form any valid conclusions. Perhaps future research will reveal the answer or answers to these questions.

Clearly, however, most people today would agree that homosexuality cannot be treated as a willful perversion by sinful men and women. Mere blind hostility will not do, nor does the new interest in homosexuality that has arisen because of the AIDS outbreak augur for a more balanced approach to the issue. In fact, the opposite is more likely to be the consequence. It should be noted that this symposium was projected and the contributions were received long before the AIDS crisis came to public notice.

In the face of this tragic disease, American society has an obligation to seek a medical remedy with the same zeal it has displayed with regard to other dangerous maladies.

There is need for a greater understanding of the phenomenon, a commitment to fight against the discrimination and hostility vented upon homosexuals in our society and a warmer sympathy for homosexual men and women who remain our brothers and sisters within the household of Israel and the family of mankind.

We offer the present symposium as a contribution to this cause.\*

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\* Note: For other, recent discussions of the subject, see Herschel Matt, "Sin, Crime, Sickness or Alternative Life Style? A Jewish Approach to Homosexuality," (JUDAISM, XXVII, 1978): 13-24 and "Homosexuality and the Homosexual" in my book, *Love and Sex, A Modern Jewish Perspective* (New York, 1978), chapter 10, pages 149-161.

# *Homosexuality and Judaism: Are They Compatible?*

NATHANIEL S. LEHRMAN

HOMOSEXUALITY SEEMS TO BE INCREASINGLY widespread in America and among its Jews. It is sometimes described as the wave of the future and as an answer to the population explosion. How does it affect Jews and Judaism?

Much misinformation has been disseminated in the name of science about the causes and consequences of this burgeoning pattern of behavior. Examination of the facts suggests that the Jewish tradition may possess more wisdom about homosexuality than do the behavioral sciences, which are being looked to increasingly for moral answers.

## *Jewish Attitudes in Past and Present*

Judaism has long regarded homosexuality as an abomination to be rooted out. The prophets inveighed against it; the Talmudists, Maimonides and Rabbinic writers all reaffirmed that position. The Mishnah prescribes stoning to death for him "that has sexual intercourse with a male."<sup>1</sup>

Judaism has always seen the marital embrace as the best fulfillment of human sexual drives. This concept was strengthened around the end of the first century, C.E., when the Song of Solomon was accepted into Holy Writ because the love of husband and wife that it depicted so sensuously was regarded as also representing the love of God and Israel.

Although traditional views about homosexuality are quite clear, attitudinal changes have occurred in American Jewish communities, largely in response to the beliefs of "experts." Rabbi H.J. Matt's explanation<sup>2</sup> in JUDAISM of these changes is very precise:

It is only in our own generation that homosexual behavior had been found to involve not merely a single overt act, or series of such acts, but often to reflect a profound inner condition and basic psychic orientation, involving the deepest levels of personality. However deep and numerous are the differences among contemporary experts on homosexuality, on one aspect

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1. *Mishnah, Sanhedrin*, VII, 4 (quoted in A.J. Goldman, *Judaism Confronts Contemporary Issues*, [New York: Shengold], p. 209).

2. H.J. Matt, "Sin, Crime, Sickness or Alternate Life Style: A Jewish Approach to Homosexuality," *JUDAISM*, XXVII (Winter, 1978); 13-24.

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there seems to be *near-unanimity*: that *for very many homosexuals the prospects of change to heterosexuality are almost nil* (italics in original).

A.J. Goldman's *Judaism Confronts Contemporary Issues*<sup>3</sup> describes specific consequences within Judaism of the attitudinal change described by Rabbi Matt. Establishing homosexual synagogues is one of the most important.

The first one was organized on the West Coast in 1973. Its membership was open, as any synagogue's is, but the homosexual founders of the congregation acknowledged that "they seek to maintain control of the congregation because the homosexual community is best served from within its own ranks." The group also insisted "that its rabbi must be a homosexual on grounds that no matter how sincere the straight Jews who offer help may be, the problems of the gay community can only be understood by one of [our]selves."

Rabbi Alexander M. Schindler, president of the (Reform) Union of American Hebrew Congregations, asked Rabbi Solomon Freehof, the most distinguished rabbinic authority in Reform Judaism, whether "encourag[ing] the establishment of a congregation of homosexuals" would be "in accordance with the spirit of the Jewish tradition." Rabbi Freehof's response was negative. "Homosexuality is a sin . . . in Jewish life practice," he pointed out. While

it would be in direct contravention to Jewish law to keep sinners out of the congregation, [t]o isolate them into a separate congregation and thus increase their mutual availability is certainly wrong. It is hardly worth mentioning that to officiate at a so-called "marriage" of two homosexuals and to describe their mode of life as Kiddushin (i.e. sacred in Judaism) is a contravention of all that is respected in Jewish life.

"The increase in immorality . . . in our generation" is pointed out elsewhere by Rabbi Freehof.

Nevertheless, the Director of the Southwest Council of the U.A.H.C., when asked about this first West Coast homosexual congregation, "said that they were offering the facilities of their office for the formation of a gay synagogue, as they had done in the past and would continue to do in the future to any group of Jews who demonstrated to their satisfaction that they were sincerely interested in the creation of a synagogue." The U.A.H.C. includes as full members four openly homosexual congregations, and Goldman reports that a "national Union of Gay Synagogues," twelve in number, had been planning "a new international conference . . . in 1979 . . . in Israel." Conservative and Orthodox Judaism, retaining the traditional view of homosexuality as sinful, do not sanction homosexual congregations.

At a time of concern over declining Jewish birthrates, every homosexual Jew represents one fewer potential Jewish parent. Homosexuality therefore deeply concerns the Jewish community.

3. Goldman, *Op. cit.*, pp. 193, 203-204.

*Explanations of Homosexuality*

Rabbi Matt, like others influenced by psychiatric and similarly publicized scientific opinion, believes that homosexuality is not a matter of choice. This view is based on the fact that homosexuals rarely become heterosexual even with the best treatment methods supposedly available, especially the psychoanalytic.

Whether homosexuality is, indeed, a matter of choice differentiates the two newer "scientific" explanations of this behavior — the biological and the psychoanalytic — from the two others which have existed for centuries: the traditional and the selfist, or "new morality." The biological explanation completely denies the role of choice in homosexual behavior, while the psychoanalytic reduces that role markedly. The traditional view accepts the centrality of choice, but considers such behavior as immoral because it violates established moral codes, while the selfist-"new morality" explanation, also accepting the centrality of choice, regards traditional prohibitions as obsolete infringements upon individual freedom.

The "scientific" explanations, which appear in some scientific publications but are disseminated primarily by the lay media, are often based on limited and, for the most part, current data. Important contradictory information and the lessons of history are frequently omitted from these presentations. Such a selection of data to prove preconceived theories is particularly important in psychoanalysis.

The traditional view, on the other hand, is based on the empirical lesson of history: that permanent, joyous, sexually faithful bonding between men and women produces stable families and societies and is, thus, fundamentally important for human survival and growth. The "new morality" approach is, of course, as old as humanity; the defiance of established moral codes, often cleverly rationalized, has existed as long as morality itself.

*The Biological View*

The biological view regards human homosexuality as determined by inborn physiological factors. Homosexual behavior is thus seen as genetically predestined and essentially irreversible. This is the view implied in a *New York Times* front page story on Sunday, August 23, 1981,<sup>4</sup> with the headline "Kinsey Study Finds Homosexuals Show Early Predisposition."

The new Kinsey Institute book, *Sexual Preference: Its Development in Men and Women*<sup>5</sup>, based on the analysis of its subjects' recollections, had actually found no significant differences in specific aspects of childhood

4. Jane E. Brody, "Kinsey Study Finds Homosexuals Show Early Predisposition," *New York Times*, Aug. 23, 1981, pp. 1, 30.

5. A.P. Bell, M.S. Weinberg, S.K. Hammersmith, *Sexual Preference. Its Development in Men and Women* (Bloomington, Indiana, 1981. An Official Publication of the Alfred C. Kinsey Institute for Sex Research).

upbringing between the homosexuals and heterosexuals whom it interviewed. The *Times* reporter, Jane E. Brody, agreeing with the authors, concluded that "a homosexual orientation usually seems to emerge from a fundamental predisposition, possibly biological in origin."

The Kinsey investigators had found no specific "parental, sibling or other childhood variables" to be associated with subsequent homosexuality. "Gender non-conformity during childhood" was the only feature that they found differentiating the upbringing of homosexuals from that of heterosexuals: the former retrospectively described themselves as not having conformed during childhood to the sexual aspects of their roles as boys or girls. Accepting the validity of these descriptions, the Kinsey workers suggested that a "biological predisposition" caused this "non-conformity."

The pitfalls of this hypothesis are pointed out by John De Lamater, sociologist at the University of Wisconsin, in his *Science* review of the Kinsey volume.<sup>6</sup> "That homosexuality has its origin in biology . . . is most controversial," he notes. "The authors briefly review the evidence that there are hormonal differences between homosexuals and heterosexuals. While acknowledging that the evidence is inconclusive, they state that their results are consistent with the hypothesis that prenatal hormonal factors predispose some persons to homosexuality."

"This is clearly speculative," De Lamater continues. "This research was not designed to test causal hypotheses that include a biological component. No biological characteristics such as hormone levels were measured." He concludes with the warning that "persons with a professional interest in the subject should not rely on media accounts for information about the contents of this work."

The biological explanation of homosexuality contradicts much of what has long been known about behavior in both lower species and humans. As evolution progresses, a shift occurs from the biological and hormonal control of sexual and other behavior to regulation via experience and the central nervous system.

Because of the greater biological control of sexual behavior in lower species, homosexual activity is relatively rare among them. Not until we reach the monkey do we find that homosexual copulation sometimes "continues to occur even when the heterosexual contacts are available" among animals with previous prepuberal homosexual experiences. This is due to two factors, both related to learning. "First, primates are particularly susceptible to the effects of experience and as a consequence of prepuberal homosexual play, the male can learn that sexual satisfaction is derivable from coitus with other males. Second, and equally important, is the fact that during homosexual intercourse the submissive male monkey actively plays a feminine role," which he has, of course, observed previously.

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6. J. DeLamater, "Origins of Sexual Preference," *Science*, (5 March 1982): 215, 1229-1230.

The greater importance of learned over inborn determinants of human sexual behavior is shown by the subsequent sexual orientations of individuals born with “external genitalia of an intermediate type” between normal male and female. Occasionally, “an individual with ovaries is reared as a boy or, more commonly, one with testes is brought up as a girl.”

“Ellis reviewed a large number of such cases and found that in general, the individual preferred the sex role to which he or she had been reared, even though it was in opposition to the reproductive physiology”<sup>7</sup> actually existing. Subsequent studies have reaffirmed these findings, demonstrating the far greater importance of experiential than of inborn factors in determining human sexual behavior.

The great variation in the frequency of homosexuality in different human societies also speaks against its being biologically determined. So does the rapid change in frequency which can occur within a particular society — as has taken place in this country over the past fifty years.

#### *The Psychoanalytic View*

The most important disagreements cited by the *New York Times* with the Kinsey researchers' biological explanation of homosexuality came from psychoanalysts. Despite the investigators' total inability to find data indicating significant differences between specific child rearing experiences of homosexuals and heterosexuals, the psychoanalysts continued to insist that such childhood differences were decisive.

The psychoanalytic view of homosexuality does not possess quite the same inevitability and irreversibility as the biological — in theory. In practice, however, psychoanalytic attempts to change homosexuality are not very successful. Rabbi Matt is therefore accurate in describing “contemporary experts' . . . near-unanimity that for many homosexuals the prospects for change to heterosexuality are almost nil,” given the nature of the therapeutic modalities reported on by the media.

But he is not correct in concluding that homosexual behavior therefore results from “a profound inner condition and basic psychic orientation, involving the deepest levels of personality,” rather than primarily from the tremendous reinforcement to homosexual activity provided by homosexual social groups, assisted by the near-uselessness of psychoanalytic methods. Indeed, during our current “sexual revolution,” change *toward* homosexuality as the result of psychoanalysis may be as frequent as change *from* it.

The “gender non-conformity during childhood” which Kinsey's homosexual subjects reported is the only corroboration these investigators found for the psychoanalytic view that childhood experiences help produce homosexuality. But the real cause of this “non-conformity” may

7. C.S. Ford and F.A. Beach, *Patterns of Sexual Behavior* (New York: Harper, 1951), pp. 134-142.



not be some mysterious biological factor, as has been suggested, but retrospective falsification. This phenomenon, well known but little mentioned by either psychiatrists and psychoanalysts, was clearly delineated in 1959 by the late sociologist, Professor Erving Goffman.<sup>8</sup>

Goffman pointed out that creating a psychiatric history for those admitted to mental hospitals involves

construct[ing] an image of [the patient's] life course — past, present and future — which selects, abstracts and distorts in such a way as to provide him with a view of himself that he can usefully expound in current situations. . . . If the facts of a person's past and present are extremely dismal, then the best he can do is to show that he is not responsible for what has become of him and the term sad tale is appropriate.

Interestingly enough, the more the person's past forces him out of apparent alignment with central moral values, the more often he seems compelled to tell his sad tale. . . . Perhaps he partly responds to the need he feels in others of not having their sense of proper life courses affronted. In any case, it is among convicts, "winos," and prostitutes that one seems to obtain sad tales the most readily.

Rather than facing the specific experiences, during and after adolescence for the most part, which led the Kinsey-study homosexuals into that pattern of behavior, subjects and investigators together have created the unverifiable concept of "gender non-conformity." The alleged cause of the homosexuality is thus moved back in time, reducing the subjects' own responsibility during adulthood for their choice of sexual behavior.

Retrospective falsification is even more important in psychoanalysis than in psychiatry as a whole. That childhood seduction caused neurosis was one of Freud's earliest theories. The more he inquired after such seductions, the more he found them. His subsequent discovery that most had never occurred represented a major blow to both his theories and his self-esteem.<sup>9</sup>

But instead of recognizing that unverified accusations can be untrue, and that uncritical acceptance of such accusations fosters more and falsier ones, he blamed his patients' "unconscious childhood sexual wishes" toward adults for the tales of seduction he was given. This is one basis for his concept of the "Oedipus complex."

Freud thus completely overlooked the role played by his own assiduous and uncritical search for "childhood traumata" in eliciting these false tales, failing to distinguish science from slander. The current psychoanalytic insistence on decisive childhood experiences as the causes of homosexuality might therefore be seen as resembling an unconscious repetition of Freud's false beliefs about the importance of childhood traumata.

The nature of psychoanalytic theory and practice makes poor results

8. E. Goffman, *Asylums* (New York: Anchor, 1961). "The Moral Career of the Mental Patient" (pp. 125-170); appeared in *Psychiatry: Journal for the Study of Interpersonal Processes*, vol. 22 (May, 1959): 150-151.

9. E. Jones, *Life and Work of Sigmund Freud* (New York: Basic Books, 1953), v. I, pp. 263-267.

almost inevitable for those attempting to help homosexuals to change. A major psychoanalytic goal has long been the removal of sexual inhibition. During my training over thirty years ago at a Jewish psychoanalytically-oriented hospital, I was advised that a non-virgin female patient should be encouraged toward the lesbian sexuality she was thinking about as a step toward return to heterosexuality. Marriage was, of course, never mentioned.

But if removal of sexual inhibition in general is a psychoanalytic goal, removal of homosexual and heterosexual inhibitions might be seen as equally desirable. Should both these types of inhibition have been removed, would the patient not be considered "liberated" by treatment, whichever behavior he then chose? I know several men who adopted homosexual ways of life after psychoanalytic treatment.

Homosexuality is, indeed, a pattern of life, a habit, an "alternate life style." Change from it requires the deliberate reduction of current homosexual satisfactions, while pleasurable heterosexual, and preferably loving, experiences are fostered in their place. But psychoanalysis focuses far more on feelings than on behavior, and the insistence on behavioral changes so vitally necessary runs totally counter to the passive approach of psychoanalysis in general, and to its specific opposition to "giving advice."

Patients in psychiatric treatment and homosexuals are two groups which are often harassed, sometimes quite subtly, though psychoanalysts have apparently been specifically desensitized to the possibility that this may be occurring. Although Hitler clearly described "breaking the nerves" of specific opponents through such methods, psychoanalysts almost always dismiss complaints of harassment as evidences of paranoia; should they ultimately acknowledge that harassment is, indeed, occurring, they then usually focus on what the victim has done to evoke it, rather than helping him to combat it.

In addition, psychoanalysis assumes that current feelings cannot really be understood unless they are traced back to their "roots" in childhood. And while the past is thus assiduously searched, the present may be significantly neglected.

### *The Traditional View*

Of the currently significant traditional views of sexual behavior, and of homosexuality in particular, Judaism's is perhaps the clearest and certainly the oldest. Its concepts are the products of human history and largely of Jewish genius.

The regulation of behavior has always been a major function of religion. Different codes of regulations — different moralities — can be seen as comparative social experiments, with the most humanly efficient morality tending to produce the most humanly successful society.

Sexual worship was an important element in almost all primitive religions. Temple prostitutes of both sexes were found throughout the

world, including ancient Canaan, where the Hebrew prophets inveighed against them. Judaism's continuing acceptance of a joyous, laudatory attitude toward the sexual embrace, while limiting it (for women, at first) to the marital bed, represents one of the great moral syntheses of human history.

The strong marital bond resulting from sexual fidelity produces much more close-knit families. Such stronger families tend to make stronger societies.

Promiscuous sexuality, both homosexual and heterosexual, was very common in ancient cultures. The competitive advantage that Jews obtained by channeling sexual activity into marriage may have been a central element in their unique survival. Prohibitions on homosexuality were part of the family-strengthening goals of the commandments — "be fruitful and multiply."

But the tradition insists that the capacity to choose and to change continues throughout life. The process of change for homosexuals may be difficult, but less so, for example, than the abandonment of non-Jewish wives and children ordered by Ezra the Scribe in the fifth century, B.C.E., or the abandonment of wives advocated by St. Augustine and other Church Fathers, or the abandonment by priests of their wives and children forced by Pope Gregory VII and his successors after celibacy was imposed on the sacerdotal Christian clergy in 1075 C.E.

Men and women need each other; children and society need both, in stable marriage. One of the sexual moralities of our time regards the highest form of sexual activity as the marital embrace. Another sees celibacy as the most moral type of sexual behavior — for those charged with defining morality — while a third endorses whatever activities seem pleasurable.<sup>10</sup>

These three current moralities — connubial, celibate and "comfortable" — can be seen as respectively channeling, suppressing and dissipating sexual passion. Comparable attitudes toward political passion can be seen as characteristic of democracy, dictatorship and anarchy.

### *The "New Morality" View*

The "new morality," based primarily on "doing one's own thing," has been called "the culture of narcissism." It emphasizes Hillel's first principle, "if I am not for myself, who will be for me?" while ignoring his second, "if I am only for myself, what am I?" Objective rules of behavior are subordinated to subjective wishes or even whims.

Sexual stimuli vary greatly in degree and kind among different societies. But the more such stimuli are presented, the more will people become stimulated. And the more a specific activity is featured, unless

10. N.S. Lehrman, "Some Religious and Psychological Origins of Contemporary Sexual Codes," *J. Religion and Health*, 1, (1962): 363-386.

presented in clearly negative terms, the more will people become interested in it. Among Hollywood stars — role models for much of America — marital fidelity was replaced first by serial marriages. After this change was accepted, heterosexual promiscuity became accepted also. Now, homosexuality is in the process of being accepted. For the population as a whole, a similar process has occurred, and restricting sexual activity to marriage is widely considered obsolete.

The more sexual activity is encouraged without regard for partner or type, the more will it occur, and the more will different types of sexual activity be attempted. After all, is not investigating everything the heart of the scientific approach?

If young people's pleasure is their primary moral standard, how can they be sure that pleasure will not follow homosexual activities, especially since nobody else seems hurt by it? And if it does, they will tend to repeat these activities, especially since repetition of homosexual behavior brings people into well-organized, intensely supportive homosexual social networks.

Adolescence is also the time of defiance. Too often, the patron saint of such youngsters appears to be Marx — Groucho, not Karl — who proclaimed, "I don't care who began it or commenced it; I'm against it." Youngsters may try various forbidden activities merely because they are forbidden — alcohol, drugs and illicit sexuality being only three among many. Should alienation from parents or other authorities then result, the youngsters' need for other social supports may help drive them even more toward homosexual or drug networks. The new morality sometimes substitutes the normative fallacy for written morality. Doing what everyone else does becomes the standard, and Gallup replaces Bible.

Of the seventy-six societies which Ford and Beach surveyed,<sup>11</sup> forty-nine accept "homosexual activities of one sort or another . . . for certain members of the community." This fact — ignoring the populations of the different societies — can be used to demonstrate not only that homosexual activity is natural, but normal as well.

But Jews should be particularly suspicious of confusing majority views with morality. The overwhelming majority of Germans were anti-Semitic under Hitler, and majority attitudes in the United Nations toward Israel have hardly been moral either. *Vox populi*, sometimes seen as *vox dei*, may really be nothing more than a reflection of *vox mediae*; what is popular is not necessarily either true or good.

Homosexuality's acceptance by two thirds of the societies studied proves that such behavior is not unnatural, since all humans' "natures" are essentially the same. But its rejection by a third of the societies, including our own, indicates that the latter have chosen to consider it immoral; moral standards may, indeed, differ from one society to another. It must

11. Ford and Beach, *Op. cit.*, pp. 129-133.

also be noted that these societies which have been most successful, as measured by economic advance, numerical growth and individual longevity, have been based on religious traditions in which homosexuality has been frowned upon: Judaism, Christianity and Islam.

The "new morality" accepts the notion that homosexual behavior is, indeed, a matter of choice, for which individuals are responsible, thus agreeing with traditional morality but disagreeing with the biological and psychoanalytic views. One of the most important supporters of the concept that homosexual behavior is a product of choice, for which an individual is responsible, rather than of illness, which impairs responsibility, is the American Psychiatric Association. In 1973, its Board of Trustees decided thirteen to zero that homosexuality is not a mental disorder.<sup>12</sup> A mail poll of the membership subsequently confirmed this view.

While Rabbi Matt quotes the "near-unanimity" of "contemporary experts" about the apparent irreversibility of homosexuality, in order to demonstrate its being caused by factors outside the homosexual's responsibility, the American Psychiatric Association apparently disagrees on the essential question of choice.

### *Myths Impeding Homosexuals' Changing*

The supposed one-way street from heterosexuality to homosexuality is one of the more unfortunate myths of our times, and is fostered by both the biological and the psychoanalytic views. The single fact disproving it is what happens in prisons. Homosexuality has always been common there, but often disappears almost at once after prisoners are once again permitted to mingle with the opposite sex. The widespread use of heroin by American soldiers in Viet Nam, which ceased when they returned home, is similar. In both situations, habits changed when the circumstances supporting them did.

Another myth is the notion that homosexual acts are somehow more important and meaningful in themselves than heterosexual acts, and are, therefore, more determinative of future behavior. The myth becomes a self-fulfilling prophecy: seeing those who have engaged in a small number of homosexual acts as foredoomed to continue along the homosexual path, irrespective of their heterosexual experiences, encourages continuation of homosexual activity while inhibiting a return to heterosexuality and the possibility of marital love.

A nationally syndicated advice columnist<sup>13</sup> was recently asked about a boy in his late teens who had had several heterosexual relationships, followed by an intense homosexual one which had also terminated. The question concerned his strong preference at that moment for a male rather than a female sex partner.

12. "Psychiatrists in Shift," *New York Times*, December 16, 1973, pp. 1:1,25; 4:8.

13. Ann Landers, *Newsday*, 1982.

Rather than recognizing the fluidity of the boy's current sexual inclination, or the undesirability of his rather promiscuous sexual behavior, the columnist, failing to appreciate that heterosexual inclinations could be reactivated relatively easily, advised the mother to contact an organization of homosexuals' parents at once, so that she might learn to "accept" her son's "homosexuality." The belief that homosexual activity creates a deeper impress in itself, rather than because of society's strong reactions, and the notion of its irreversibility, both help to foster it.

### *The Process of Legitimizing Homosexuality*

During the thirty-five years of this author's professional career, homosexuality has grown from a small, hidden minority, primarily concerned with protection against harassment and persecution, into a political force arrogantly proclaiming itself a "socially oppressed group," like Jews, blacks, Hispanics and women. At *The Nation* magazine's American Writers Congress in October, 1981, for example, the organized homosexuals flaunted massive political muscle, setting up a tension level so high that this author became reluctant, as did others, to disagree in the slightest with their misrepresentations lest he be shouted down and isolated.

At a psychoanalytic meeting the previous year, this author had suggested softly that homosexuality might possibly be immoral. A colleague from Greenwich Village thundered his rage at this allegedly "arrogant" attempt to "impose" "moralistic" values onto others. Within the American Psychiatric Association itself, minority caucuses of blacks, Hispanics, women and homosexuals — but not a caucus of Jews — are becoming increasingly visible, and little opposition has been manifested to the additional representation being sought for all these groups within the Association's decision-making bodies to compensate for the discrimination to which they have allegedly been subjected.

The media have produced a major change in popular attitudes toward homosexuality by featuring the lives of individual homosexuals and their positive contributions, while downplaying homosexuality's negative aspects. Widespread public acceptance of homosexuality as an "alternate life style" has resulted.

Whether this will change after public exposure of the brazenness of the North American Man-Boy Love Association (NAMBLA), which insists on the "rights" of young boys to engage in homosexual acts with men remains to be seen. While there are differences between luring boys of seven into homosexual activities and luring boys of seventeen, there is also a similarity.

The media's regular presentation of the latest "scientific" reports on homosexuality, often based on the homosexuals' own stories, has been discussed. But facts about the organized social recruitment of adolescents and post-adolescents into homosexuality, especially at our colleges, are



downplayed if they appear at all. And if the facts are, indeed, presented, their significance seems almost completely and peculiarly overlooked.

Questioning homosexuality on traditional moral grounds is not seen as news, and appears relatively rarely. The only opposition in the liberal media to this purported sexual "wave of the future" seems to come from religious neo-conservatives, often represented as almost ante-diluvian.

*Newsweek's* April 5, 1982, cover story, "Gays on Campus,"<sup>14</sup> exemplifies the massive media distortion which, by failing to criticize homosexuality and by ignoring the implications of obvious fact, has actually presented it as an acceptable alternate life style. It describes a "supportive subculture" of homosexuals on many campuses, with college-funded "gay organizations" playing a major part within it. Georgetown University, unlike many other schools, "refused to give the same financial support to homosexual student organizations that it gives to other groups," according to the magazine. But a "superior court judge ruled that [it] was in 'unmistakable violation' of the District of Columbia Human Rights Act." It is ironic that Georgetown is appealing this verdict not because it subverts public welfare and morality but merely on the basis that it "is exempt from the statute as a religious [Catholic] institution."

### *A Tale of Two Magazines*

"Uptight on Gay News" was a feature article in the March/April, 1982 *Columbia Journalism Review*.<sup>15</sup> It examined whether media coverage of homosexual communities has been biased and insufficient, as has been asserted concerning black and other minority communities, and whether fair reporting requires homosexual reporters. The author apparently believes that homosexuals are unable to change, any more than blacks can, and that they should therefore not be discriminated against.

The May/June issue carried eight letters in 41 column inches of response. Four, totaling 26 inches, came from homosexuals claiming the article did not defend "gay rights" sufficiently. Two defended specific press entities against allegations of unfairness, and one, five inches, pointed out how homosexuals "are members of a community of choice . . . consciously seeking to use the media to change public attitudes about itself." This letter, written by the present author, had been requested by editor Spencer Klaw.

*The Nation*<sup>16</sup> handled a comparable situation quite differently. Its November 14, 1981 issue featured an unusually long and rambling article, "Some Jews and The Gays: Neo-Con Homophobia," by homosexual

14. "Gays and Lesbians on Campus," *Newsweek* (April 5, 1982): 75-77.

15. "Uptight on Gay News," *Columbia Journalism Review*, (March/April, 1982); "Unfinished Business" (letters to editor) (May/June, 1982).

16. G. Vidal, "Some Jews and The Gays: Neo-Con Homophobia," *The Nation* (Nov. 14, 1981); Letters to Editor, *Ibid.* (Jan. 2-9, 1982).

author Gore Vidal. A vicious personal attack on Norman Podhoretz, Midge Decter and other “Commentary neo-conservatives” (the “neo-cons” of the title), it threatened that if Jews failed to defend the rights of homosexuals, they might themselves be slated for immediate persecution — which they would then allegedly deserve.

The January 2-9 issue assigned 78 column inches to responses, 32 of which were given to Vidal’s final rejoinder. Approximately half the rest was given to homosexuals supporting Vidal’s position, but Jean B. Elshtain, one of the magazine’s favorite writers, criticized the “extraordinary, prejudicial claims of the piece.” The only letter which explicitly pointed out Vidal’s blatant anti-Semitism in this liberal magazine came from leftist Morris U. Schappes, editor of *Jewish Currents*. No space was found to mention the deliberate scientific misrepresentations pervading the article, of which the “homophobia” in the title was only one example.

### *Summary*

Homosexuality represents a mounting epidemic among young people. Its practitioners comprise a political cult, very strong on many campuses and in some cities, which takes advantage of the sexual promiscuity of our times to attract young people into a movement denying them some of life’s richest satisfactions: spouses and children of their own.

Of the four current explanations for homosexual behavior — biological, psychoanalytic, traditional and “new morality” — only the first two views, which deny or reduce the role of choice, are deemed worthy of “scientific” discussion in the liberal media today. But the traditional view, which rejects homosexuality as immoral, is still the most accurate, since it is the only approach taking into account the lessons of history.

Oscar Wilde, after embracing homosexuality, wrote, “Each man kills the thing he loves.”<sup>17</sup> But we Jews “love the Lord, our God, with all our hearts, with all our souls and with all our might” — as well as our spouses. Today’s pseudo-scientific justifications of homosexuality, which Judaism has always recognized to be an abomination, must therefore be examined, exposed and rejected.

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17. O. Wilde, “Ballad of Reading Gaol,” 1898.

# *Homosexuality: A Counselling Perspective*

SOL GORDON

WITH ALL THE RESEARCH THAT HAS BEEN done in the area of homosexuality, professionals really do not know much about the subject. We believe at this point — those of us who are fairly objective and sober, and for reasons that are not clearly understood — that a child's sexual orientation is determined by the time it is five years old. It is not simply a matter of choice. Homosexuality is not a sexual *preference*, though it is commonly referred to as such. I think that the semantics are very important. Homosexuality is a sexual *orientation*. Studies have demonstrated no substantive evidence of hormonal imbalance and there is no direct evidence of genetic determination.<sup>1</sup>

In the field of psychology, as an example, some professionals believe that mental illness is caused by inappropriate parenting and traumatic experiences during childhood. Many of us believe, however, that some people are born with a pre-disposition for mental illness while others are not.

I think that there is probably a predisposing factor in homosexuality. This issue is very complicated, because stereotypes greatly distort our thinking on the subject. It is estimated that not more than 10% of homosexuals today conform to any stereotypes, whether it be effeminate behavior or any of the more gross kinds of behavior that are often depicted in the media. Most experts suggest that perhaps 10% of the population is homosexual.<sup>2</sup> (Kinsey estimated that 4% of men and 2% of women are exclusively homosexual.) It is commonly agreed that even today most homosexuals are, or have been, married and many of them are parents. It is also accepted that there is a large group of people who are bisexual, and

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1. See A. Bell, M. Weinberg, and S. Hammersmith, *Sexual Preference: Its Development in Men and Women* (Bloomington: Indiana University Press, 1981). It is a major study which also found that sexual orientation was unrelated to early seduction, rape, incest, punishment for sex play, domineering parents, birth order, peer relationships and dating experiences. The only significant precursor of adult homosexuality was found to be gender nonconformity in childhood. There was no suggestion, however, that this nonconformity "caused" homosexuality in later life.

2. C.A. Tripp, *Homosexual Matrix* (New York: McGraw-Hill, 1975). For one of the best recent professional books, see also Marmor, ed., *Homosexual Behavior: A Modern Reappraisal* (New York: Basic Books, 1980).

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there are segments of the population who are “transitional” homosexuals; in other words, there is a period of time in the lives of some people, either as young adults or as teenagers, when they lead a homosexual life and then shift. Our society is very clearly programmed to heterosexuality. Whether it is parents, the synagogue, the church or the media, we all program our children for heterosexual behavior. Yet, a sizable number of people seem to have known early in life that they were, and were going to be, different from what was expected of them.

Adult homosexuals have reported what it was like, what they felt like, when they were growing up. Of those who are fairly articulate and who have “come out,” most report that they remember that they already had different attitudes when they were three, four, five and six years old.

The problem is further complicated because there are people who, as adolescents and even in the early stages of marriage, did not recognize that they were homosexual and, then, as though suddenly, came out as being homosexual. We all know people who were married in the traditional manner and who are now living in “gay” marriages. For them it was a matter of discovery — not choice.

Politically, we need to take a strong position on gay rights. Despite the fact that there are no definitive studies about causality, most of us who have worked in this field and who have considered all the evidence, believe very seriously that there is a group of people who are *constitutional* homosexuals — as opposed to *transitional* homosexuals. In addition to the definition already discussed, when we talk about *transitional* homosexuals, we can be talking about people who engage in homosexual behavior because they are in a particular setting — like in a prison or in the army — where there is only one sex present. These people, when they leave that setting, return to the heterosexual orientation. There is often talk about “homosexual” rape in prison. This invariably refers to a heterosexual who forces a weaker prisoner into a passive, “feminine,” role.

Another distortion that might be remembered occurred when Anita Bryant was very militant about homosexuality and did not want homosexuals teaching in the schools. She insisted that homosexuals would be role models. The assumption was that if there were ninety-five heterosexual teachers and five homosexual teachers in the school, only the homosexuals would be role models. All the children would flock to those five. She also warned about child molestation in the public schools, failing to realize that in more than 90% of the cases it is a male heterosexual teacher who is molesting a female student. And so, with Anita Bryant's logic, perhaps we should oppose heterosexual males teaching in the schools as too dangerous.

Having said that, let me state what I see as the dilemma in a counseling situation. What do you do when a parent comes to you — and almost every rabbi will have this experience — and says, “I think my child is homosexual” or “my child has just announced that he has come out. Do

something." I can't emphasize enough how often a parent has come to me and said, "You know I'm liberal. You know I am progressive. But the one thing that I can't deal with is my child, (my nephew), being a homosexual. I know it's okay, and I believe in gay rights, but I can't handle it." The most hysteria-laden situation with which I have ever been confronted occurred when the rabbi of my congregation recently came to me with two parents who were going to commit suicide because their daughter had announced she was a lesbian. There needs to be some clinical appreciation of what is happening in such situations and I would like to make some comments about that as a clinical psychologist.

The only relief I was able to offer those parents who were going to commit suicide was that if there is any hope for their child to shift from a lesbian relationship to what would be marriage in the traditional manner, they would need to accept the lesbian relationship. If there was any hope, it was in acceptance, because the intensity of the opposition often supports determination to continue the relationship. I have written about this in other connections. What if your child brings home someone, a lover, whom you don't like? That person may be a Republican, (or a Democrat) an alcoholic, not Jewish. You may even be right in your opposition, but it is clear to me that, unless there is some level of acceptance, one's intense reaction or rejection could reinforce the situation.

Let me describe this clinically in specific terms. A young man comes to me and says, "I am homosexual. I don't want to be homosexual. I hate the whole idea of being homosexual." What should be your response? [Incidentally, you will find that there will be just as many who come to you saying that they are gay or lesbian and don't want to be that way because society is not acceptant. They feel that they can't live a normal life. They fear that they will lose their jobs. I know of no therapy that is successful for someone who is a constitutional homosexual. To send such a person to a psychiatrist or a psychologist to change sexual orientation may be unethical — however well intentioned — and is probably a waste of time and money. And as for the recent study by Masters and Johnson<sup>3</sup> that claims success in this area — most of us who have read the book believe that they were studying people who were already uncertain about their sexual orientation, and who perhaps were bisexual. This is very important because the assumption is that you send someone to a therapist to change.]

Here is my response to the young man: "If you think you're homosexual, and you're terrified by it and you don't want to be homosexual, you must first come to terms with the following likelihood. If there is any hope for a change, then it must be okay to be homosexual." That is a very important concept. If it is not okay to be gay, then they won't

3. W. Masters, and V. Johnson, *Homosexuality in Perspective* (Boston: Little, Brown and Co., 1979.)

ever be gay, and they won't ever be heterosexual either, because all of their psychic energy will be used to fight the situation. Every friendship, every contact, almost every interpersonal experience is measured on that level. If they come to terms, ideologically, that it's okay to be, then it's okay not to be.

Not many psychologists and psychiatrists understand this and if you are going to refer any one to a psychologist or psychiatrist, I would say that the professional persons must be committed to the concept that they are going to help the person understand what his or her true orientation is. If they are going to try to change the sexual orientation they may be contributing to an endless psychoanalysis, or psychotherapy, with the result of one frustration after another.

It sometimes happens that young people have a single, or a few, homosexual experiences and think that they are gay. This can be a really serious problem. We have not prepared people to understand that a few homosexual experiences — even to the point of orgasm — are not an indication that a person is gay. Also, we need to be aware of the Kinsey scale<sup>4</sup> which indicates that only a small percentage of the population is exclusively heterosexual or exclusively homosexual; there is, on a six point scale, a whole range of behavior. Professionals are no longer saying that individuals are *either* homosexual or heterosexual. Only a very small percentage might fit that category. Almost every heterosexual person who is open, who is aware of his or her unconscious, has had some homosexual thoughts and fantasies, and perhaps even experience, just as most homosexuals have had some heterosexual thoughts and fantasies.

I am not unbiased on this subject, nor do I speak as a representative of the gay community, but only as a professional who has had some experience in this field. If somebody challenges me by saying, "This is not what most gay people think," I would have to say, "Well, that is possible." Suppose a fifteen-year-old youngster were to come to me and say that he's gay and he doesn't know what to do; he doesn't know if he should tell his parents or let his high school friends know. I would, without any question, tell him not to say anything to his peers and not to come out. I have a very good friend who is gay and he disagrees with this viewpoint, but my view is not to come out. I do not know of any high school in the country where one can count on open sympathy to gay youngsters. They will be tormented by the students. Instead of encouraging young people to come out, I say to them, "Look, a homosexual is a person, who in his or her *adult* life, has and prefers relations with members of the same sex." Remember, *adult* life. So I say, "Don't decide now. It's okay to be gay, but I think you should protect yourself. And, of course, share your concerns with your parents if you have a good relationship with them."

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4. A.C. Kinsey, W.B. Pomeroy, and C.E. Martin, *Sexual Behavior in the Human Male* (Philadelphia: Saunders, 1948).



We should not think of gay as a lifestyle; it is not a lifestyle. Gay people are Republicans; they play golf; they come in every variety. Gay is a sexual orientation. So, again, the semantics here are very important. I would also say to the young man, "You're too young to be sure. I would encourage you to experiment and go out with girls. Date, pretend, but once you're an adult and you've had these different experiences, then you will understand yourself better and be in a better position to decide about your sexual orientation." Now, if a young man comes to me — I am using the male just for convenience — and says, "I think I am a heterosexual," I don't say to him, "Now, look, don't decide. Wait until you're an adult. Try gay experiences and see if that might interest you." Even I, who am very liberal and open and a strong advocate for gay rights — even I — would have a bias. So I say if he's heterosexual, fine. I still tell him not to have sex because of my view that intercourse is a health hazard for teenagers.

The most damaging statement about homosexuality is in Leviticus.<sup>5</sup> I am devoted to Judaism and have an interest in Halakhah as an aspect of my Jewish background, but much of it does not make sense to me in terms of contemporary use. For us to select out one sentence and say that is Halakhah and the rest of it we don't need to consider seriously is not ethical. We can't select out what suits us and then say, "That's our tradition." Our religious leaders have a tendency to do so with homosexuality.

I would like to call attention to an important book by John Boswell that was recently published and has won many awards. It's called *Christianity, Social Tolerance and Homosexuality*<sup>6</sup> and is a study of social and religious responses. Boswell is one of the fine scholars of our time and he points out that there has never been an historical period, up to modern times, when there has not been a connection between persecution of gays and persecution of Jews. Whenever the Jews have been accepted in any society, the gays have been accepted. Whenever the Jews have been persecuted, the gays have also been persecuted. That he makes this connection is compelling. In his book he writes that "the fate of Jews and gay people has been almost identical throughout European history, from early Christian hostility to extermination in concentration camps. The same laws which oppressed Jews oppressed gay people; the same groups bent on eliminating Jews tried to wipe out homosexuality. . . ." (p.15) He goes on to say that "The history of public reactions to homosexuality is thus in some measure a history of social tolerance generally" (p. 17).

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5. Leviticus 18:22 — "You shall not lie with a male as a woman; such a thing is an abomination." Leviticus 20:13 — "If a man lies with a male as with a woman, both of them shall be put to death for their abominable deed; they have forfeited their lives." The ancient Hebrews had no idea about constitutional homosexuality. Note also that no similar passage alludes to female homosexuality.

6. J. Boswell, *Christianity, Social Tolerance and Homosexuality* (Chicago: The University of Chicago Press, 1980).

# Homosexuality — Today

NATALIE SHAINESS

HOMOSEXUALITY! WHAT IS IT? WHAT IS GOING on today? Is it, in fact, an expression of psychological illness, as was once thought? Or is it simply a matter of “sexual preference,” of conscious choice? Why has society been afraid of homosexuality? Has society’s attitude been punitive to homosexuals? How has it happened that prominent psychiatrists and psychoanalysts have suddenly reversed themselves, have changed their minds about it, and called it, in their new Diagnostic Nomenclature (DSM III) merely a difference of “sexual orientation?” And lastly (a question I interpose from *my* vantage point), how valid is this new view?

It might be helpful to identify myself to the reader before proceeding. Although a “neoclassical psychoanalyst” — that is, one who does not slavishly follow or agree with all that Sigmund Freud offered — and, actually, a disciple of Harry Stack Sullivan, father of the so-called Interpersonal School of Psychiatry, I want to acknowledge a great debt to Freud, and a recognition that he had profound perceptions about human beings, and was right about many (not all) of his psychological theories and observations. And this is particularly true in relation to homosexuality. Freud described this deviation as a perversion, and from my viewpoint this is as true today as it was years ago.

Among the outstanding thinkers about homosexuality today, Dr. Charles Socarides<sup>1</sup> points out that homosexuality is *not* just an alternative life style. Neither homosexuals’ nor heterosexuals’ choices of sexual partners are innate or instinctual, he says, but the heterosexual choice is outlined from birth by anatomy, and then reinforced by cultural and environmental indoctrination. Heterosexuality “is supported by universal human concepts of mating, traditions of the family unit, together with complementarity and contrast between the sexes.” Socarides suggests that where massive childhood fears have damaged and disrupted the standard male-female pattern, there is a roundabout method of achieving orgasmic release through male-male or female-female pairs. He quotes Sandor

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1. Charles S. Socarides, *Beyond Sexual Freedom* (New York: Quadrangle Press, 1975) and *Male and Female* (New York: Seabury Press, 1975).

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Rado, a brilliant thinker and teacher whom I knew: "If a person of the opposite sex is available, why should a male choose another male, or a female another female?" There is a simple logic to this question of why inherent "biologic fit" should be ignored. In fact, Frank Beach,<sup>2</sup> an eminent researcher of animal sexual behavior, said that he knew of no case among animals, male or female, where a homosexual partner is preferred.

Homosexuality has been present throughout the ages, in all cultures, and, yet, Opler<sup>3</sup> concluded from cross-cultural studies that no society, save perhaps ancient Greece, has lent sanction to it in any real sense. Obviously, if extended to all, it is a threat to the survival of the human species. So again, why does it occur?

Turning to psychodynamics, which I have observed in my own practice, leading me to concur with Socarides and Irving Bieber,<sup>4</sup> who conducted a major study comparing the backgrounds of homosexuals with heterosexuals we find that the mothers of homosexuals shared an excessive intimacy with their sons, were seductive and overcontrolling. On the other hand, there was usually a father seriously defective in his relationship with his son, rejecting him, and inducing a reciprocal hostility. Thus, these boys feared and hated their mothers, and could not identify with their fathers.

An outstanding feature of homosexuality is the massive anxiety which the compulsive sexual encounter attempts to mask, the goal of the sexual activity being that of *identifying* with the other and, in that way "becoming a man." Homosexuals suffer serious ego problems, often a splitting, fear of disintegration, depersonalization, the eruption of sado-masochistic sexual episodes, severe mood swings and, especially, depression.

The tremendous *fear of human intimacy* is often expressed through a sexual involvement in public toilet facilities (sometimes even through an opening between two stalls) without ever seeing the other person. Some time ago considerable publicity was given to the goings on late at night in the Central Park "Ramble" area, where quick sexual encounters in the dark, without even being able to see the other person, occurred. If this is not symptomatic of neurotic, or sick, human behavior, what is?

Of course, not all homosexuals act in this way, and some have relatively stable relationships, but I have found these conditions relating to homosexuals in my practice over and over again. In fact, at the time when homosexuality "came out of the closet" and there was a change in views and in the nomenclature, there were a number of psychiatrist homosexu-

2. F.A. Beach, *Coital Behavior in Dogs* (Washington, D.C.: American Psychological Association Press, 1970).

3. M.K. Opler, "Anthropological and Cross-Cultural Aspects of Homosexuality," in *Sexual Inversion*, ed. J. Marmor (New York: Basic Books, 1965).

4. Irving Bieber et al., *Homosexuality* (New York: Basic Books, 1962).

als among my patients and they were quite “amused” by the sudden changes in “scientific” perception. More will be said about this later, but let me answer a question that surely must have presented itself to the reader: Can homosexuality be cured? Can there be a change in sexual behavior? The answer is a conditional “yes” — that is, if the person desires this change, if homosexuality is not egosyntonic, and if he or she is willing to work toward this goal in treatment, in spite of the inevitable pain involved. And let me add, for what it is worth, that I never set this goal for a patient. The homosexual usually comes to treatment because of anxiety and interpersonal as well as sexual problems. I address myself to these and, if, in the course of treatment, a change to heterosexual behavior occurs, I accept this as a sign that major personality change has occurred.

Ernest Glover,<sup>5</sup> one of Freud’s famous disciples in an earlier day, stated that the degree of social anxiety about homosexuality which prevails is based on a projected form of guilt. He felt that the primitive attitude of the law enables the patient (homosexual) to project concealed superego reactions onto society or the law. If this is so, how does removing homosexuality from its former diagnostic status affect the homosexual? Only, in my view, by ending the conflict; by attempting to make it egosyntonic instead of ego-dystonic (unacceptable).

Let me add one more factor before turning to the changed (allegedly) scientific view. With lower animal forms as well as human beings, power often determines behavior, especially of the weak. If you are afraid of someone and want to survive, one way to deal with the problem is to become servile, and this includes sexual servility. Power — or the lack of it — is an important factor in causing homosexuality (among lower animal forms as well), and in maintaining its place in the homosexual’s life. But, again, this is more significant in the childhood of the homosexual.

It may be surprising to some to hear that there is a kind of prevalent homosexuality on a *social* level. A gender-chauvinistic society, one which separates women and refuses to admit them to work, as well as to exclusively male clubs, is practicing social homosexuality. And it comes from selfdoubt. A society that enjoys Milton Berle’s “gay” imitations or watching “drag queens” is laughing at what it is simultaneously drawn to and fears. And to take it a little further in the sexual direction, a society that has become fixated on the “behind” or *derrière*, as indicated by the backpocket status value of jeans, as well as emphasis on this section of the female anatomy (as opposed to what is really feminine) in media and advertisements, is also expressing “latent homosexuality.” The contempt which is currently heaped upon “face to face” sexual intercourse, lightly mocked as “the missionary position,” is an expression of not wanting to “face” or “see” that the sexual partner is female.

So, oddly enough, it is at a time when there is a noticeable rise in both

5. Ernest Glover, *The Roots of Crime* (London: Imago Pub., 1960) Vol. 11.

subtle and not so subtle expressions of homosexual interest that there has been a sudden diagnostic change. It is attributed to unfair legal discrimination, which is to some extent true, but that is far from the whole story. While I would like to see a society in which there is no discrimination against any group, I must admit that I do not like to see homosexuals as teachers. They often have a special kind of hostility to women and a biting capacity for sarcastic and sardonic mimicry and ridicule that can have a devastating effect. That is why some entertainers are so successful; they have a gift for satirizing women. Bette Midler, although anatomically female, is one such example; she uses her gifts to lampoon or burlesque women. This brings to mind my own experience some years ago, when I was invited to speak on women's issues at a wellknown college, where the professor revealed herself (through her behavior, not through sexual invitation) to be homosexual. I was treated to a series of hostile occurrences which were unforgettable, especially where the students were coached into hostile, defiant behavior. I thought of all the parents who had struggled to pay for their daughters in this expensive environment, happy in the delusion that they were getting a wonderful education, while at least one aspect of this was learning to be contemptuous of women. It led to some sleepless nights for me — but there is not space for further detail here.

Further commenting on the sudden change in view of homosexuality as an illness, Dr. Socarides<sup>6</sup> published an article titled "The Sexual Unreason," courageously documenting the events which brought about this change — a *political* change. A number of prominent psychiatrists and psychoanalysts were pushing for this change and, for reasons unknown to me, were interested in leading the way and winning over or joining with members of The National Gay Task Force. As a referendum on this decision was about to be taken within the American Psychiatric Association, the National Gay Task Force sent out a mailing to its members soliciting \$2500 in funds to *support the mailing of a letter-* February 28, 1974- to all members of the American Psychiatric Association *to influence the outcome of the aforementioned referendum.* It stated: "Remember, the mailing must go out immediately in order to reach the APA members *before they get their ballots. Please help!*" Well, influence it did! It brought about the change in diagnostic nomenclature. Unhappily, like sheep, most psychiatrists fell into line and followed.

Before this happened, and as the debate got noisier, I felt that I should make my views known, as I had done considerable research in the sexual area. I sent a letter to *Psychiatric News*. In return there came a vicious reply from the President of the American Psychiatric Association (on official stationery) saying that my view that homosexuals could get fair legal treatment without change (of diagnosis) was nonsense and, further,

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6. Charles S. Socarides, "The Sexual Unreason," *Book Forum*, Vol. I, No. 2, 1974.

that I was dishonest: what I really wanted was to line my pockets with fees from homosexuals. I was floored. Since homosexuals have never constituted a major part of my practice, I was able to regain my sense of humor — though not easily.

As Dr. Socarides has indicated, there is a danger in what has happened. It furthers a trend increasingly noticeable in our society to project everything outward and to deny unconscious processes or personal responsibility, as well as to consider everything a free and rational choice. This tends to interfere with getting help — the goal of which is to make that which is unconscious conscious, and in that way promote free choice. Ruth Tiffany Barnhouse,<sup>7</sup> a theologian and a psychiatrist, agrees with us. She wondered why so many psychiatrists went along with an unstated question, when confronted by the activists (and a few APA leaders). The question was: "Since I have to choose, which do I believe is more important — to uphold the idea of the abnormality of homosexuality, or to prevent the oppression of the homosexual minority?" Obviously, they chose the latter. But feeling that this was their choice showed very muddy thinking, as Dr. Barnhouse indicated. Its ultimate effect is evident in a recent report from the annual American Psychiatric Association meetings in Toronto in May 1982, where a psychiatrist, Dr. David Ressler,<sup>8</sup> completely denied any problems in gay male relationships, or blamed them on society, and said that "they increase our awareness of the options available to us as human beings."

Dr. Barnhouse's views further note that our society is extremely competitive and power-oriented, often in subtle ways. Pressure to achieve, when exerted by parents on their beleaguered male adolescent children, may precipitate a transitory homosexual adaptation that can all too easily become a fixed pattern. She observed that, as was "fashionable" at the time, "Declaring oneself a homosexual may be a way of seeking independence from the family, rather than expression of a true sexual preference. . . ."

As a theologian, Dr. Barnhouse is concerned with the human spirit, the human soul — as everyone should be. I conclude with a profound statement by her: "The true religious goal of human sexuality can be seen, not as *satisfaction*, but as *completeness*." The homosexual cannot attain this.

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7. R.T. Barnhouse, *Homosexuality: a Symbolic Confusion* (New York: Seabury Press, 1977).

8. D.T. Ressler, as reported in "Psychiatrist Dispels Myths on Gay Male Relationships," *Psychiatric News* (June 18, 1982).



# *Discrimination is Wrong*

IRA EISENSTEIN

HOMOSEXUALITY IS A PROBLEM FOR HOMOSEXUALS in a society which regards it as either immoral or aesthetically repulsive. Naturally, being homosexual in a hostile environment is somewhat like being Jewish in an anti-Semitic society. The homosexual does not consider himself (or herself — this discussion includes both, but for convenience we shall use the masculine form) either immoral or repulsive — except to non-homosexuals. He may even be proud of his sexual condition, pointing out that homosexuals are often greatly talented in music, art and literature.

Heterosexuals regard the presence of homosexuals dangerous to the morals of minors, for the homosexuals are accused of missionizing, “seducing” youngsters away from their “natural” sexual behavior. But it may be argued with equal validity that heterosexuals sometimes seduce underage youngsters. Both are reprehensible. Corrupting the morals of a minor is a crime, and should apply (and actually does) both ways.

Why has homosexuality become so prominent an issue in our day? Surely this phenomenon has been with us from time immemorial. The Torah speaks of it, calling it an abomination, and equates it with murder in respect to the punishment that both deserve — namely, death. Obviously, heterosexuals have been exercised over the behavior of homosexuals for centuries; otherwise, legislation concerning the practice of homosexuality would not have been deemed necessary.

Why this persistent presence of a type of sexual behavior which characterizes a minority of the population? According to some, it is a form of pathology, a disease which affects certain individuals and not others, like cancer. It results in a diminution of the reproductive process, and hence threatens the life of the human race. Every effort should therefore be made to “cure” homosexuals or, if possible, find ways of preventing the disease.

But it seems that homosexuality is not really cancer at all. No one dies from it (unless society takes literally the Biblical injunction). In many instances, homosexuals do marry and have children, but find greater fulfillment in their relationships with other homosexuals. There is no serious threat to the human race from homosexuals who have fathered children.

Finally, homosexuality (so far as this writer knows), has not yielded to

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treatment designed to “cure” the patient. Psychotherapists are consulted by homosexuals who seek a way of living with their sexual habits, who wish to be able to come “out of the closet” without undergoing emotional distress in a society which is intent upon imposing a sense of guilt.

The “problem” of homosexuality will be reduced to the extent that heterosexuals learn to look upon homosexuals as persons with a sexual preference different from their own. They must cease to brand homosexuality as an abomination, a disease, a threat to the perpetuation of the human race; they will thereby contribute to the creation of a social atmosphere in which homosexuals will not be impelled to segregate themselves in self-protection. The “problem” will be alleviated to the extent that homosexuals are no longer discriminated against in employment, or ridiculed in the media, the theater, the films or the pulpit.

# *Is There a Reform Response to Homosexuality?*

RAV A. SOLOFF

IT IS CLEAR THAT NEW ATTITUDES AND challenges on the question of homosexuality are being felt throughout the Jewish world. No article entitled "homosexuality" appeared in the *Jewish Encyclopedia* of seventy-five years ago, and no article entitled "homosexuality" appeared in the *Universal Jewish Encyclopedia* of forty years ago. However, in the more recent *Encyclopedia Judaica* there is just such an article, a little over one column in length, by Chief Rabbi Immanuel Jacobovitz of London.

Rabbi Jacobovitz's article and two responsa by the eminent Reform *posek*, Rabbi Solomon B. Freehof, leave no room for doubt about their understanding of the negative biblical and talmudic attitudes toward homosexuality.<sup>1</sup> They follow generations of rabbinic interpreters in regarding the biblical injunctions against *mishkav zakhar* as condemning homosexual relations in general, and only homosexual relations, without regard to any historical context. When Rabbi Walter Jacob collected "Jewish Sources on Homosexuality" from rabbinic literature he did not find any texts that question the *halakhic* prohibition against homosexuality cited above.<sup>2</sup> Very recently, however, Rabbi Allen B. Bennett has argued that the biblical authors would not have had an inkling of what homosexuality was (what anyone today would call "homosexuality") and, therefore, would not have wasted their time legislating against it. In support of his contention he cites *Sex Laws and Customs in Judaism*,<sup>3</sup> and *Sexual Variance in Society and History* whose author holds that "among the Hebrews, the denunciations seem to be not so much against homosexuality as such as

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1. Immanuel Jacobovitz, *Encyclopedia Judaica*, volume 8, columns 861, 862; Solomon B. Freehof, "Homosexuality," *Current Reform Responsa* (volume III of the series, HUC Press, 1969), pp. 236ff., and "Homosexual Congregations," *Contemporary Reform Responsa* (volume V of the series, HUC Press, 1974), pp. 23ff.

2. Walter Jacob, "Jewish Sources on Homosexuality" (privately circulated, Pittsburgh, Pa., August, 1978), p. 1.

3. Louis Epstein, *Sex Laws and Customs in Judaism* (KTAV, 1967), pp. 135ff.

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against the idolatry associated with it, or they spring from fears of assimilation.”<sup>4</sup>

The biblical texts at the center of this discussion are in the third book of Torah. Traditionally understood, Leviticus 18:22 directly forbids male homosexuality, listing the act as one of the abominations because of which the Land vomited out its (former) inhabitants. Verse 29 specifies that those who do such things shall be cut off from their people. Two chapters later the law is repeated with a slightly different wording. Leviticus 20:13 says “they have committed an abomination, both of them; they shall surely be put to death; blood guilt (for their death) rests upon their own heads.” This verse, however, is in a section with other violations which carry the same penalty (verses 9-13), and with other violations that carry other penalties (verse 14, “burnt with fire;” verses 15-16, “surely be put to death;” verses 17-18, “cut off from their people”) leading me to think that the penalty for an act of homosexual intercourse is not the same in Leviticus 18:22 as in Leviticus 20:13. That is, *nikhretu*, the term used in 18:22, is used again in Chapter 20, but for a different violation (verses 17-18), so I do not believe that *nikhretu* in Leviticus 18:22 is the same punishment as *mot yumatu* in Leviticus 20:13. I shall return to this difference a little later.

There are a few other biblical references to homosexuality. Although Deuteronomy 23:18 forbids ritual male prostitution<sup>5</sup> (I guess it is assumed that both male and female ritual prostitution services males), references to the persistence of such prostitution are found in the Book of Kings (IK 14:24; 15:12; 22:47; and IIK 23:7). There is, however, no instance of express approval or explicit toleration of homosexuality on the part of the Lord or on the part of the Lord’s spokesmen and editors. This is true however one translates the stories of the men of Sodom who demanded to “know” Lot’s male visitors, and of the men of Benjamin who demanded to “know” a male traveller.

Some writers have undertaken a non-traditional explanation of these biblical texts in their effort to expound a “gay theology.” In an interview published in *Ministry, The International Journal of the Seventh-Day Adventist Ministerial Association*, the editor, J.R. Spangler, talks with Colin Cook, who found deliverance from homosexuality through the power of the Gospel, and now directs Quest Learning Center. . . .

**SPANGLER:** You say you believe the Bible speaks of homosexuality. But the gay theologian takes the same texts you read and finds no reference to homosexuality in them.

4. Vern Bullough, *Sexual Variance in Society and History* (University of Chicago Press, 1976), pp. 82 and 37.

5. “No Israelite woman shall be a cult prostitute, nor shall any Israelite man be a cult prostitute (v. 19). You shall not bring the fee of a whore or the pay of a dog [here used as a perjorative, to describe a male prostitute] into the house of the Lord your God in fulfillment of any vow, for both are abhorrent to the Lord your God.” Translation and comment from *The Torah, A Modern Commentary* (UAHC, 1981), p. 1497.

**COOK:** You have to understand that there is a basic presupposition underlying gay theology — that true homosexuality is unchangeable, natural, “inverted,” as Bailey started calling it. So God wouldn’t condemn the expression of something that is basic to some people’s nature, the gay theologian says. What God does condemn, he explains, is the *abuse* of homosexuality, as in homosexual rape, or the exploitation of it, as in homosexual cultic prostitution.

**SPANGLER:** So the gay theologian interprets the homosexuality texts on the basis of these presuppositions?

**COOK:** Yes, Sodom and Gomorrah, for example, were not destroyed for homosexuality, the gay theologian explains, but for pride, gluttony, and inhospitality, as Isaiah, Ezekiel, and Jesus point out. . . . Genesis sets up man’s identity. Man was made to be fully himself only when he identifies with one who is the same as he is, and yet opposite from him — that is, another human of the opposite sex (see Gen. 2:10-24). . . . When we take this unified biblical view, the Sodom account makes sense without clubbing it to death. The same goes for the Levitical proscription (Lev. 18:22, 20:13). That is, homosexual activity is sinful not because of its association with pagan rites, but because of its basic disharmony with the internal structure of creation.<sup>6</sup>

There are biblical texts and rabbinic texts which condemn homosexual acts. Some would say: because of their association with idolatry; because of their disharmony with the structure of creation; because of their abuse as in homosexual rape or their exploitation as in cultic prostitution; because they might lead the husband to abandon his wife or avoid procreation.<sup>7</sup> These and other traditional or anti-traditional explanations, however, do not provide the basis for a Reform response to homosexuality. Should the majority at a CCAR Convention decide to adopt one or another interpretation of those verses in Leviticus, it would leave our question unanswered because so many of our colleagues take a position similar to that of Rabbi Judith S. Lewis:

I, myself, do not make my Jewish decisions on the basis of *halakha* or “tradition.” I would, therefore, not address the question of homosexuality from a *halakhic* point of view unless I were also prepared to take an equally traditional stand on family purity, *kashrut* and other such matters. I think the question which really needs to be addressed is, since we know that large numbers of Jewish men and women are and will continue to be homosexuals, practicing or not, how do we respond, legitimately, as a liberal Jewish movement?<sup>8</sup>

The CCAR Committee on Responsa recognizes the right of the parent body to adopt policies and norms negating *halakhic* teachings. Individually, the rabbis support some of these departures from tradition and oppose others. The new roles that women play in Reform Jewish life, accepting rabbinic ordination, for example, are validated by decisions made in this generation and not by older *halakhah*. If the CCAR and the

6. *Ministry*, Vol. 54, No. 9 (September, 1981): 7-8.

7. Walter Jacob, *Op. cit.*, p. 1.

8. Judith S. Lewis, personal letter of February, 1983, quoted with permission.

UAHC decide that eating pig and wearing *shatnez* are no longer disapproved behaviors for a Reform Jew, then the clear prohibitions in Torah and Talmud should no longer be applied by Reform rabbis or Reform congregations, except as matters of individual guidance and choice. In this frame of reference, a different response to homosexuality may some day be accepted by Reform. I can only report that I have not been personally confronted with evidence of any widespread shift of opinion among my colleagues, away from the biblical and talmudic prohibitions.

However, in my view, there is a second aspect of the question that should be considered, regardless of whether one decides that homosexuality is bad, good, indifferent, or that one has not reached any decision. That is, what should we do about it? I refer back to the two terms in Leviticus which may *not*, traditional interpretations to the contrary notwithstanding, may *not* describe one and the same biblical attitude toward the proper penalty for homosexuality: *karet* and *mavet*.

. . . Originally, divine punishment was independent of and additional to judicial punishment . . . In one instance, the law explicitly states that where the prescribed capital punishment is not carried out, God will Himself set His face "against that man and his kin, and will cut off from among their people both him and all who follow him in going astray after Molech" (Lev. 20:2-5). This juxtaposition of divine and judicial punishments appears conclusively to disprove the view that *karet* ("cutting off") was not a divine punishment of death, but rather a judicial punishment of excommunication. . . . For a good many offenses, the divine *karet* is the only punishment prescribed. It has been suggested that they are such offenses as are committed in private, for which eyewitnesses will not usually be available; such as, for instance, . . . various sexual offenses (Lev. 20:17-18; 18:29. . . .) Others maintain that these offenses are mostly of a religious or sacerdotal character. . . . There are, however, some offenses, punishable by *karet* only, that do not fit into either of these categories. . . . This fact — together with the gravity of some of the sexual offenses so punishable — led some scholars to assume that *karet*, even though a threat of divine punishment, was at the same time an authorization of judicial capital punishment.<sup>9</sup>

Thus, in our case we might say that *nikhretu* means that they will be cut off by God from the good which is destined for their people, whereas *mot yumatu* means that they will be put to death by decree of a human court.

Leviticus *Rabbah* 18:3 states that the flood came upon the world in the days of Noah because of sodomy, and Genesis 9:22 has been interpreted as a possible homosexual act between Ham and Noah, which resulted in a divine curse.<sup>10</sup> From these rabbinic comments, also, one may argue that at least some authorities saw divine punishment as the appropriate penalty for a homosexual act. Indeed, *Mishnah Keritot* 1:1-2 specifies, "if a man has connexion . . . with a male" as one of thirty-six transgressions punishable by *karet*. But not under all circumstances. It is one of the acts concerning which,

9. "Divine Punishment," *Encyclopedia Judaica*, volume 6, column 121.

10. Walter Jacob, *Op. cit.*, p. 1.

if in these things he transgressed wantonly he is liable to *karet* (and not to another penalty), and if (he did it) in error, (he is liable) to a sin-offering; and if it was in doubt whether he had committed a transgression, he is liable to a Suspensive Guilt-offering. . . .<sup>11</sup>

Here, the penalty is made to depend upon the nature of the perpetrator's intention or state of mind. On the other hand, *Mishnah Sanhedrin* 7:4 reads, "These are they that are to be stoned: he that has connexion with (then we find included in the list) a male," and later in the same *mishnah* the penalties specified in Leviticus 20:15-16 (including stoning for a homosexual act) are repeated.<sup>12</sup>

The relation of law to morality is complex in every society, and their common source in Judaism, as revelation, does not simplify the issue. Accordingly, we are sure to find support texts in some *halakhic* source about homosexuality for either policy: "leave it to heaven, it's a moral question," or "punish severely, the law forbids." And, as a further caution, harsh legal phraseology regarding penalties may at times indicate rabbinic feelings about the immorality of a behavior, rather than rabbinic judgment about a legally enforceable punishment. For example, the Talmud calls many sinners "liable to the death penalty" when "clearly no court would prescribe such punishment" for their sins.<sup>13</sup> Dr. Robert Gordis simplifies this point succinctly by reference to the rabbinic category of *patur aval asur* as a proper response to private homosexual acts between consenting adults.<sup>14</sup>

For completeness' sake a few words about lesbianism. Female homosexuality is more rarely considered in *halakhic* sources, and the absence of any direct, biblical text prescribing condemnation or punishment leads to some leniency. Still, lesbian acts were considered obscene, with some authorities apparently dictating punishment and others declining to do so.<sup>15</sup>

Now, what should we *do* about homosexuality?

We have Dr. Freehof's responsa on "Homosexuality" and on "Homosexual Congregations," concluding that homosexuality *is* sin, but forbidding the exclusion of sinners from the congregation. A draft of "A Statement on Homosexuals in Leadership Positions" from the Responsa Committee reflects some of our agonizing over the question of "what to do about it." The draft quotes a 1977 resolution of the CCAR supporting civil rights and civil liberties for homosexuals, and encouraging "legislation which decriminalizes homosexual acts between consenting adults, and prohibits discrimination against them as persons."<sup>16</sup> After examining

11. Herbert Danby, *The Mishnah* (Oxford University Press, 1933), "Kerithoth," pp. 562ff.

12. Ibid., "Sanhedrin," pp. 391ff.

13. "Law and Morality," *Encyclopedia Judaica*, volume 10, columns 1480-1484.

14. Robert Gordis, *Love and Sex* (Farrar, Straus & Giroux, 1978), p. 157.

15. Walter Jacob, *Op. cit.*, pp. 2-3.

16. *CCAR Yearbook*, Vol. LXXXVII (1977), pp. 50f.



*halakhic* statements, not only about homosexuality, but also about rabbis, cantors and teachers, our draft notes that,

among Ashkenazim they were sometimes dismissed on rumor alone. . . . The Sephardic community was more lax in this regard (Maimonides, *Responsa* — Friemann, #18), but it would also dismiss instantly if a charge was proven (R. Hai, *Shaarei Teshuvah* #50). These standards referred to all kinds of overt improper sexual behavior, as well as other unacceptable acts. I have found only one reference to an accusation of homosexual practices; although this was not proven, the cantor was dismissed as a preventive measure (Elijah Ibn Hayim, *Responsa* #41). The community always sought leaders who were above reproach, and continues to do so. . . .

Overt heterosexual behavior or overt homosexual behavior which is considered objectionable by the community, disqualifies the person involved from leadership positions in the Jewish community. We reject this type of individual as a role model within the Jewish community. We cannot recommend such an individual as a role model nor should he/she be placed in a position of leadership or guidance for children of any age.<sup>17</sup>

It is not the homosexual as a person whom we reject for a leadership position, but a person whose behavior is considered objectionable. In *halakhah*, customs accepted in practice become binding, and local custom is binding upon the local community.<sup>18</sup> The congregation has a right to refrain from hiring a rabbi who picks his nose in the pulpit.

At the core of the problem may be a long standing “revulsion,” which Gordis describes<sup>19</sup> and about which I think the philosophy expressed by Joseph Margolis is relevant:

. . . Assume that a relatively homogenous society accepts some doctrine about “appropriate” or “admissible” sexual practices, usually incorporated into moral convictions. Then admit that, subscribing to that doctrine, the habits of mind and the tastes and feelings of the members of that society are sensitized and trained congruently. Deviations from the admitted norms will, then, be noted, and relatively extreme departures will be viewed as perverted — in the strong sense that representative members of the society will be disposed to find such extreme practices and inclinations abhorrent. (Margolis goes on to describe how *society* may adjust to this tension.)

This corollary is obvious: In order to reduce the sense of abhorrence, a society must extend its tolerance from its own normative preference via intermediary practices, toward the perverted; as it does so, it will inevitably alter its conception of “natural” practices. What the limits of its tolerance may be is difficult to say, but without doubt, they will be substantially in accord with the moral and prudential values prevailing in sectors of community life other than the sexual.<sup>20</sup>

17. Letter from Dr. Walter Jacob to Responsa Committee, dated April 2, 1981 with attached draft, “A Statement on Homosexuals in Leadership Positions,” p. 3.

18. “Minhag,” *Encyclopedia Judaica*, volume 12, columns 5ff.

19. Robert Gordis, *Op. cit.*, p. 150.

20. Joseph Margolis, “The Question of Homosexuality,” *Philosophy and Sex*, ed. Robert Baker and Frederick Elliston (Prometheus Books, 1975), pp. 299ff.

What do we accept as the moral and prudential values of our society? How much change are we willing to accept in the name of Reform Judaism? And is there any consensus beyond that slippery shibboleth, "community standards?"

We have no answer as yet concerning the "*gerut* of a gay *goy*." What should be our approach to a known and active homosexual who desires to convert to Judaism? Here are some of my thoughts on that question. For one thing, Cook makes a point about lumping all homosexuals into any one category: "It is important to distinguish between homosexuals committed to a gay life style and those desperately trying to resolve what they believe to be an emotional and moral problem." I am reminded of the distinction between a wanton act, punishable by the more severe penalty of *karet* (which, however, only God imposes), and an act committed in error, for which the penalty may be lighter, a sin-offering or lashes imposed by a court. Anyway, I always want to consider the specific behavior, and not the nature or condition of the person concerning whom a decision is called for.

Second, the responsibility of a rabbi who takes part in welcoming a *ger* into Judaism is weighty, indeed. We owe it to *Am Yisrael* that we not weaken or betray our people by knowingly introducing saboteurs, enemies or destroyers into our midst. But we presume that the prospective *ger* is innocent unless proved to be otherwise, and truthful, so that his intentions regarding future homosexual acts would probably be taken at face value. Now, is the rabbi faced with a prospective *ger* whom the rabbi suspects of planning future seductions or rapes? If so, gay or heterosexual, that *goy* should be rejected on the basis that "we cannot accept as a convert someone who is a sinner and intends to continue with his sin." But when the rabbi is faced with a prospective convert whom the rabbi expects to be a good and sincere Jew, not a criminal or a destroyer of Judaism, then that rabbi, in my opinion, must decide *ad hoc* whether the sexual orientation and practices of the *ger* are relevant to the conversion. Some rabbis may feel that a "gay" is *per se* "a destroyer," whereas others may feel that this individual would benefit from conversion to Judaism, and would probably prove to be an asset to *Am Yisrael*, and I think that each rabbi must follow his or her conscience.

In summary I offer the following draft for a Reform response to homosexuality:

The Central Conference of American Rabbis is on record, supporting full civil rights and civil liberties for homosexual persons and encouraging "legislation which decriminalizes homosexual acts between consenting adults, and prohibits discrimination against them as persons." This marks a shift away from the punitive attitude of many traditional Jewish texts.

Generations of rabbis based their teachings on the premise that the Bible mandates an attitude of revulsion and laws of prohibition against homosexuality as such, citing passages in Leviticus 18 as their prooftexts. However,

recent scholarship questions whether the biblical authors were even addressing the issue of homosexuality at all, holding instead that the prohibited homosexual acts were inextricably linked with idolatry in the context of both heterosexual and homosexual cultic prostitution. Thus, the specific prohibition of a homosexual act was only a part of the picture, one "fence" around the prohibition against the idolatrous practice of heterosexual as well as homosexual cultic prostitution.

The proper interpretation of well known statements about homosexuality from later, classic Jewish texts likewise is subject to debate. But just as rabbis who commented thousands or hundreds of years ago spoke out of their times and cultural settings, so too must we consider the lessons of contemporary scholarship in the fields of psychology, social psychology, sociology, ethics and religious thought. Thus, the inescapable implication of the resolution encouraging legislation to prohibit discrimination against homosexuals as persons is that we must not practice any such discrimination.

We do not discriminate against Jewish persons seeking membership in our congregations on the basis of race, sex, sexual orientation, disability or handicap. We do not discriminate against them in employment. We reject the unfounded fear that the healthy sexual development of children or young adults can be jeopardized by the presence of a qualified, well-behaved adult such as a teacher, administrator, cantor or rabbi who is of any specific race, sex, sexual orientation, stage of pregnancy or limited by a disability or handicap.<sup>21</sup> We recognize that there is the rare case of anti-social behavior or improper behavior on the part of a Jewish professional or layman, irrespective of sexual orientation, which would lead to suspension or dismissal from office. When such a case involves aberrant sexual behavior the appropriate response is professional treatment, not ostracism or discrimination.<sup>22</sup>

It has not been my purpose in this article to argue for a preconceived position, though the present state of my own prejudices and beliefs must be obvious. Rather, with the help of colleagues, those quoted above and others, I have tried to survey an area of shifting discussion and decreasing controversy among us. After more than seven years since the CCAR resolution on the civil rights of homosexuals, we may be close to agreement on a more substantive statement.

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21. Richard Green, "Patterns of Sexual Identity in Childhood: Relationship to Subsequent Sexual Partner Preference," *Homosexual Behavior*, ed. Judd Marmor (Basic Books, 1980).

22. Drafted by Rabbis Rav Soloff, Judith Lewis and Allen Bennett for *Shaarei Musar*, at the invitation of the CCAR Family Life Committee, January, 1983.

# *Preferences Are Not Practices*

WALTER S. WURZBURGER

THERE IS ONLY ONE POINT ON WHICH I CONCUR with Dr. Lehrman's simplistic thesis. I agree with him fully that, in contrast with our permissive culture, Judaism categorically rejects the notion that homosexuality constitutes a legitimate "alternate life style."

There is nothing in the Jewish tradition to support the contention that homosexuality is a freely chosen attitude. Judaism unequivocally proscribes homosexual *practices*, but does not blame individuals for being afflicted with pathological homosexual preferences. What is frowned upon by the halakhah is the indulgence in homosexual acts — not the experience of sexual preferences. On the contrary, individuals with homosexual preferences are encouraged by the halakhah to practice self-control and to restrain whatever urges cannot be legitimately satisfied.

Since Judaism opposes sins rather than the sinner, even those guilty of heterosexual practices should not be ostracized or branded as "politically subversive." They should rather be accorded the kind of sympathy and compassion which is due to all those who fail to live up to the stringent demands of Judaism.

To be sure, Judaism condemns homosexuality as a perversion. But there is no need to exaggerate the seriousness of the violation by charging it, to boot, for all sorts of social ailments afflicting contemporary society.

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# *Homosexuality and Jewish Law*

DAVID M. FELDMAN

WHILE THE CONTEMPORARY DISCUSSION OF homosexuality continues on various levels, yielding new dimensions of insight and attitude, the halakhic view of the matter hardly changes. But a restatement of the traditional Jewish view against the backdrop of a Symposium of various approaches is both helpful and necessary.

The elements of the Jewish legal-moral-social view of homosexuality are simple. The practice is condemned as sinful, an “abomination.” Unlike adultery, likewise roundly condemned, it is not a temptation to “normal” people; it is, then, an aberration. If the aberration is the result of “sickness,” no guilt can attach to it; if it is advocated as an “alternate life-style,” this then is consciously immoral and soberly sinful. On the other hand, just as it differs from adultery and illicit heterosexual relations in tempting only some, so it differs in that only a homosexual act is proscribed, not fantasies or “tendencies.”

To fill in the details, the Bible’s legal portions call homosexuality an “abomination” and forbid it categorically, while the Torah’s narrative gives it both the name and the stigma of sodomy. Yet, while the Torah’s prohibition of adultery is the occasion for much halakhic provision against, say, *yihud*, “being alone together” in a closed room with a married woman, no such precautionary legislation is necessary for homosexuality. The Talmud declares that “Israel is above suspicion of sodomy or bestiality” and, hence, a man may properly be alone together with another man, even sleep under the same blanket with him.

There is, of course, some room for difference and even this confident judgment, with its waiver of protective “fences,” though relayed in the Codes from that of Maimonides and onwards, has its challengers. The *Shulḥan Arukh*, for instance, retrieves a dissenting view from the Talmud: “Still” — that passage continues — “in our countries, and in this time, temptation is great, and it is better to avoid *yihud* with another man.” This stricture seems quite unnecessary to Rabbi Joel Sirkes, living in seventeenth-century Poland; in his *Bayit Hadash*, a major link in the legal chain, he disagrees: “The law is clear. *Yihud* is permitted.” His contemporary and master, Rabbi Solomon Luria, goes further and declares it a matter of religious pretentiousness (*yuhara*) to follow the stringency advocated by the *Shulḥan Arukh*. Closer to our own time, the two views are rec-

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onciled by Rav Kook, writing in 1912, when he was yet only the Rabbi of Jaffa. The climate is a factor, he suggests; the *Shulhan Arukh* saw a need to ban *yihud* “in our countries,” namely Spain and Palestine, where the climate is warm and the tendency or temptation to sin in this matter is greater; while in Poland, a cold area of the world, Rabbi Sirkes could safely discount such temptation and male *yihud* is quite all right.

It is worth digressing to consider the context of Rav Kook’s responsum in which the above point was made only incidentally. It is worth noting, too, that Rav Kook’s is one of the very few responsa that even deal with the question — further proof that the Jewish view is rather straightforward and uncomplicated. His responsum deals with the case of a man whose appointment as *shohet* was threatened because of a rumor that he had been involved in a homosexual act. Now a *shohet* can be disqualified because of Sabbath violation; if his *shehitah* is not to be trusted for reasons of laxity in, say, another aspect of *kashrut*, then he certainly would disqualify himself were he to violate this clear injunction of the Torah. After analyzing the question in its various parts, Rav Kook concludes that the *shohet* can be retained in his post because, among other reasons, the man may have already repented from an uncharacteristic act.

This “digression” is, in fact, very much to the point. Rav Kook’s presumption of repentance actually leads us to the heart of our present concern. In a responsum of a century earlier, Rabbi Hayyim Palaggi of Turkey had also, and at greater length, written about presumed repentance in this matter. The point is that repentance is pertinent to homosexuality only if the act is immoral; if it is to be deemed a sickness, repentance is irrelevant. The act cannot be punishable if the perpetrator is moved by compulsions beyond himself, though the end-result must remain an abomination. This “behaviorist” judgment also means that homosexual fantasies — or even homosexual acts other than sodomy — are not yet a violation of the Torah’s proscription against *mishkav zakhar*. Certainly the pseudo-homosexuality recently described, whereby homosexual fantasies can actually be no more than deep feelings of admiration for, or emotional dependence upon, another man — certainly this does not come under the Torah’s prohibition of an act. This remains the case even were we to transcend mere behaviorism and view the situation in terms of the Talmudic stricture that “thought of sin is worse than the commission of sin” — explained in another context by Maimonides that sinning with the mind or soul, wherewith we are truly human, is worse than sinning with mere body.

From the standpoint of Judaism, then, the “illness” attitude has served as a welcome device enabling the rabbi or Jewish law to be compassionate rather than judgmental. This can be said to accord with the Talmud’s extra-halakhic observation that “a man does not sin unless he is possessed by a spirit of madness.” But the illness theory has come under fire from various sources. Gay militants reject it not only as scientifically

invalid but also as oppressively paternalistic. The claim is that continued oppression of homosexuals is legitimized by psychiatry in order to safeguard a sexual caste system. On the other hand, Thomas Szasz has been militating for years against the notion of illness for most disorders. There is no such thing as mental sickness, he insists. "We are all a little more or less adjusted to certain norms than the next person." The concept of mental illness is an evil concept; it makes us patronizing and judgmental, and even permits us to institutionalize those whom we judge.

Physicians and psychotherapists have their honest differences as to whether homosexuality is an illness, an abnormality, or neither. Some who claim it to be neither have yet traced the etiology of the condition to what they do call sick or improper family relationships or background, and others refer to personality "deficiencies" as either the cause or the result of homosexual tendencies. From the standpoint of Jewish law, this debate must be irrelevant; as with the Sabbath breaker or idolator, here, too, our judgment has nothing to do with the findings of psychology or medicine. Judaism does declare homosexual indulgence a sin, of which the most and the least healthy are capable. Having said so, we can consider the circumstances and temper our judgment of the act with compassion for the actor.

Nor is the nature of this sin or the repugnance to it in the Jewish tradition attributable, as some claim, to a primal desire for the breeding of more hunters and warriors. Certainly the context of the Bible gives no support to that explanation. Homosexuality is declared an abomination in the context of other prohibitions — adultery, incest, and bestiality — all of which are quite removed from the question of procreation. It is absurd, says Abraham Ibn Ezra, in his Commentary to Leviticus 18:20, to contemplate adultery in order to fulfill the *mizvah* of "be fruitful." Compare also the censure, in Talmud and Midrash, of lesbianism, where procreation is not at issue. The prohibition is absolute, although in the Talmud's assignment of "reasons for the prohibition" we find the suggestion that the Hebrew for abomination, *toevah*, can be understood, as by a play on words, to mean "*toeh attah bah*, you go astray because of it." In the Midrash, this play on words has reference to the fact that a homosexual act cannot be procreative. But another interpretation is that of *Tosafot* and other commentaries to the Talmud, which understand the going astray or wandering as the abandonment by the homosexual of his wife and home. Family life is seen as the prime victim of this aberration. A third explanation is that offered in *Torah Temimah* of Rabbi Baruch Epstein, to whom the "going astray" is "from the foundations of Creation." Homosexuality defies, to him, the very structure of the anatomy of the sexes, which is manifestly designed for heterosexual relationships.

In my *Birth Control in Jewish Law*, I have sought to demonstrate, in analyzing the discussions of contraception in responsa by halakhic authorities through the generations, that the various contraceptive devices



describe a hierarchy of acceptability. Once contraception is indicated in principle, the method to be used is at issue. Methods which least interfere with the natural course of the sex act are least objectionable. The integrity of the sex act is not violated by the absence of procreative possibility — as when the woman is already pregnant or is barren; or even by the absence of procreative intent, as in oral contraception — but by interference with the heterosexual character of the act. Accordingly, that contraceptive method which is closer in character to homosexuality than to heterosexuality is for that reason objectionable. Homosexuality is akin to Onanism, and as such is repugnant to the halakhic tradition.

Much of the Jewish sexual code, moreover, has as its purpose — to the extent that we can speak of the law's purpose — the preservation of the marriage bond and the family unit. In an age of family dissolution it is all the more urgent to assert the stance of halakhah against an antithetical life-style.

Appropriate here is another Talmudic reference to the subject, in a passage which sought to evaluate the decadent heathenism of the surrounding society. Those heathens might indulge in homosexual liaisons, says the Talmud, but they are not so far gone, or so cynical, as to arrange a marriage contract for the purpose! This remark is applied to the problem of corruption, generally, by the great moralistic tract of the 18th century, *Mesillat Yesharim*: even in the worst degeneration there is a redeeming feature that offers hope — namely, that moral lapses are not made respectable. However, while sincere, even non-patronizing, empathy may be called for, condonation of homosexuality as an alternate way of life is not.

# *A Call for Compassion*

HERSHEL J. MATT

DR. NATHANIEL S. LEHRMAN IS SURELY CORRECT in a number of his observations concerning basic assumptions of traditional Judaism and its attitude toward homosexuality: that the tradition has condemned and forbidden homosexual acts; that it has emphasized free will as a basic dimension of human nature, with the consequent obligation to obey the Torah's commandments; that it has condoned neither the hedonistic philosophy of "pleasure for pleasure's sake" nor the majoritarian rationalization that "everybody's doing it"; and that it has affirmed the ability of human beings often to change from previous patterns of unacceptable behavior. For all these reminders we can be grateful.

The major flaw in Dr. Lehrman's paper, however, is his marked tendency toward overstatement and exaggeration, which results in a failure to make necessary qualifications and distinctions and which thus vitiates much of his argument.

A prime example: the same tradition that affirms human freedom to choose and to change acknowledges significant limitations on that freedom: limitations imposed by heredity, environment, and habituation. The tradition also affirms that God alone knows fully and accurately to what degree human behavior is a result of free choice and to what degree it reflects limitation. The tradition therefore cautions us against the presumptuousness of pretending to such knowledge and against the attempt to judge others until we stand in their place — which we almost never can. (To be sure, actions that clearly endanger life or property require intervention, restraint, and judicial judgement — but this is not at all the same as judging the *person* or assessing *ultimate* responsibility.)

As Dr. Lehrman points out, the traditional prohibition of homosexuality is no doubt related to Judaism's concern for reproduction, sexual fulfillment, and family and societal stability (in traditional terms, "the Order of Creation"). It is also no doubt related to concern for the survival of humanity and the Jewish people, and to a revulsion against pagan sexual orgy and promiscuity which thus combined idolatry and immorality. The crucial question, however, is whether homosexuality in contemporary society is to be identified with what the Torah forbade — whether, that is, the ancient and modern significance and consequences of homo-

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sexuality are the same and whether homosexuality today is inherently idolatrous, immoral, and destructive of Jewish existence. The answer to this question involves, once again, the issue of free choice: are homosexuals able to choose and to change? If they are, they should be considered in violation of the Torah's prohibition, which is still binding; if they are not, but except for the sexual identity of their mate do live faithfully by traditional Jewish standards, they should be fully accepted and respected.

For Dr. Lehrman the answer seems very clear: they are, therefore they should. He sweepingly dismisses the claims of the "biological" school of thought as completely unfounded and lacking all evidence. He categorically denies validity to the psychoanalytic school by attributing any evidence they cite to "retrospective falsification", and dismissing their techniques as useless and their goal of removing all sexual inhibition as unworthy. As for the "New Morality", he considers it to be merely the narcissistic glorification of "doing one's own thing", governed by "subjective wishes or even whims", with pleasure as the primary moral standard — all encouraged and sensationalized by the media and supported by the peer community. For Dr. Lehrman the only valid solution is apparently a renewed and vigorous preachment of the traditional condemnation combined with intensive therapy in the behavioral modification mode.

We must leave to the biological scientists and to Dr. Lehrman's psychoanalytic and psychiatric peers the challenge to refute his "refutations." One would have hoped, however, that on an issue which almost all recognized authorities in numerous fields have acknowledged to be complex, multi-faceted, multi-dimensional, and difficult of solution Dr. Lehrman might be more cautious and less dogmatic. And as to the espousers of the "New Morality", it is essential to distinguish between those among them who indeed fit Dr. Lehrman's description and thus merit his condemnation and between those who in large measure share the traditional Jewish value system but have performed for all of us a triple service: pointing to the self-righteousness, hypocrisy, and callousness of some defenders of the "Old Morality"; honestly facing the dilemmas inherent in attempting to apply ancient, absolute standards to new and complex situations; and confronting squarely, and making an effort to assimilate, surprising knowledge very recently attained.

This new knowledge, gained from scientific research and experimentation in various fields and from the personal testimony of numerous homosexuals, indicates (Dr. Lehrman's assertions to the contrary notwithstanding), that for a significant number of gays and lesbians (probably a majority, possibly the vast majority) their homosexuality is established early in life and is for the most part unalterable — except at the cost of the great pain and self-degradation involved in forcing themselves to live a lie. Whether all who become aware of their homosexual inclination should seek counseling in order to resolve whatever inner doubts, anxieties, or conflicts they may have and to clarify their available

options we cannot presume to say. What we can say, however, is a) that most homosexuals evidently do not seek such counseling — whether because they feel no need or desire to change, or see no possibility of changing, or lack the financial means, or for some other reasons; b) that some homosexuals have received such counseling and have thereby been helped to change from their homosexual practice and to live well-adjusted lives as heterosexuals; and c) that others have been helped through counseling to live well-adjusted lives as homosexuals, having come to recognize that the homosexual way of life is for them the only available way to sexual and personal fulfillment. None of us should deny the record or the contribution of the therapists who have helped some people realize that they are not or need not be homosexual, nor should we castigate the therapists who have helped some homosexuals to accept the reality and finality — and the full “legitimacy” — of their homosexual condition. (The decision of the American Psychiatric Association to remove homosexuality as such from its list of illness would not seem to imply, as Dr. Lehrman would have it, an acknowledgement that homosexuals have the freedom to choose their sexual orientation but would rather imply the opposite: an acknowledgement that homosexuality is for many homosexuals their “natural” condition.)

Those of us — including presumably Dr. Lehrman — who insist that it is God’s “right” to prescribe standards for human behavior in general and for Jewish behavior in particular, and who teach that heterosexual behavior is God’s intended norm, must not be so presumptuous as to deny God’s “right” to create or permit the “homosexual exceptions”. Indeed, with regard to such “exceptions” we must strive to echo and to mediate God’s full acceptance and approval. . .

# *Talmud Class in a Gay Synagogue*

HENRY RABINOWITZ

EVERY TUESDAY NIGHT FOR THE LAST SEVEN years, the Talmud *shiur* of Congregation Beth Simchat Torah (CBST) has met at the synagogue in New York. The class has studied *Masekhtos Pesahim*, *Baba Mezi'ah*, *Zvachim*, *Megillah*, *Shabbas*, and *Brachos* in the original Aramaic and Hebrew texts. The discussion proceeds in English, heavily laced with the technical Aramaic terms of *gemarah loshon*. The members of the class are gay men and some lesbians who are brought together by a common desire to fulfill the *mizvah* of *talmud torah*, of learning the holy teachings of Jewish tradition. A stranger coming into the class might not realize what an unusual group are gathered for such an ancient purpose.

The members of the class come from diverse backgrounds. For some, the Talmud *shiur* is a return to the studies of their youth; for others it is a continuation of Jewish learning which they never stopped; for yet others, it is an introduction to a part of Jewish life that they had not previously known. One man, who was introduced to Talmud study by the *shiur*, is now studying full-time at a yeshivah in Israel. Other activities of CBST include a Zionist *hug*, a group for outreach to Jewish and gay communities, a social activities committee, a lesbian outreach group, and a religious committee in charge of Shabbos and holiday services. The shul itself, with over 400 members, attracts an even more diverse group than the Talmud class. As in many American synagogues, members range from very observant Jews to those who are totally uninterested in religious observance but still want to be part of a Jewish community. Over one thousand people attended last year's high holiday services.

The easiest way to glimpse the role of the Talmud *shiur* and CBST in the lives of their members is to meet a few of those members and listen as they tell how they became involved in the shul.

Ahai:

Ahai\* is a computer programmer with a Ph.D. in classics. He has intense eyes and a commanding way of speaking. He says:

*When I was in college, I planned to be a rabbi. I intended to study at the Jewish*

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\* The names are fictional but the stories are not.

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*Theological Seminary. I was president of my college Hillel chapter, whose adviser suggested that, in order to get a head start on my rabbinical studies, I should learn some gemarah. I found an Orthodox rabbi in town who taught me privately once a week. We started with Brakhos, which beginners often study. I already knew Hebrew and Tanakh from my Conservative synagogue Hebrew school education and Camp Ramah, but Talmud was new to me and I liked the study.*

*At the same time I was struggling with my sexual identity. I spent a great deal of effort in keeping myself from putting into practice what I already knew were my sexual desires, that is, my desires towards men. It seemed to me that these desires were directly in conflict with Jewish life and my expectations of marriage, family, and being a rabbi, so I tried to ignore them. But, at a certain point, my curiosity won out and I began to have a sexual life. I realized quickly that the gay aspect of my personality was a natural part of me, and I decided that I wasn't able to give it up. Since I felt my gay identity and my Jewish identity to be antithetical, I stopped all my involvement in Jewish life; I simply did a flip-flop. Before then I had been practicing Judaism and avoiding my sexuality; afterwards I began to practice my sexuality and to avoid my Jewish life. The choice seemed automatic at the time; I was only nineteen and I tended to see things in black and white. I had no one to talk to about such choices.*

*I went to the Hillel director and told him that I was resigning my presidency. When I told him the reason, his mouth dropped open and he just stared at time. All he could say was that no one had ever told him anything like that before. This was 1963.*

*In the following years I no longer associated with the Jewish friends who had been my crowd all along. Instead, I drew my friends and acquaintances from the non-Jewish gay crowd whom I met in bars and gay organizations. Actually, even in those days many of my friends were Jews, but they weren't "Jewish Jews." It was as if we had all agreed not to discuss our Judaism, either out of embarrassment, or out of a discretion that most American Jews practice when not in an explicitly Jewish context. I continued to celebrate Jewish holidays with my family, but otherwise I cut myself off from Jewish life.*

*In 1974 I saw an advertisement in the New York Times for a gay synagogue called Congregation Beth Simchat Torah. The idea intrigued me, but I hesitated to attend. I was afraid that it would be a mockery of a synagogue, that they wouldn't take the services seriously. After a month of wavering, I finally went there one Friday night and was pleasantly surprised to find that the synagogue was not a farce but a group of (in those days) about forty men and women who were committed to Jewish life. At the time, the group was using a xeroxed siddur of about fifteen pages; it didn't even contain the Amidah. I complained about the lack, and the next week the siddur was expanded to include it.*

*I quickly became involved in the shul because I had a good Jewish education and my talents were needed. I began to do the drashah on the parshas hashavuah every third week. (I remember that the first drashah I gave was on Parshas Vayera, which contains the story of Sodom and Gomorrah. I stressed the Jewish view that the major sin for which Sodom was destroyed was inhospitality to strangers, not*

*"sodomy" as the Christians say.) Because I was giving a drashah regularly, I had to resume my Jewish studies, to read more on Jewish subjects.*

*As part of the shul's growing education program, one of our members, Rafram, gave an introductory class in gemarah. He chose a subject which most of those attending found arcane, but I found fascinating. Rafram reawakened the interest in Talmud that had begun in my college days. He then decided to teach the laws of Hanukkah from Masekhes Shabbos. That class eventually developed into the Talmud shiur which has continued to this day. Someone who has never studied gemarah can't really understand the bond that is created among those who study together. We share an appreciation for the almost esoteric world of the Talmud. Not that it is actually a secret world — it's open to anyone who wants to learn.*

*The shul has also given me a new way to talk to my parents. When I came out, there was a difficulty in sharing my private life with them. Now, I can tell them what I've been doing in the shul, and they take an interest.*

*I never saw the shul as a substitute for the bars or as a cruising spot. Rather, the shul is a place where I can speak freely, both as a Jew and as a gay man, without having to worry if my voice is too loud. My involvement in CBST over the years has helped me form my own theology; I have only one identity, one self. The feeling of two conflicting identities, one gay and one Jewish, was a false consciousness. I need to be part of a Jewish community. For me, CBST is that community.*

**Nahman:**

*Ahai has eloquently described how CBST initiated his return to Jewish involvement and became the focus of that involvement. CBST played a different role in the life of another member of the Talmud shiur, Nahman, who has been strictly observant since he was a teenager. He owns an import business and has never made CBST the focus of his religious life; he lives in a neighborhood too far away to walk to it on Shabbos, and CBST doesn't have daily minyanim. Nahman's main contact with CBST is the Talmud shiur and occasional social events. Nonetheless, the shul has greatly influenced his life. Nahman says:*

*My parents belonged to a large Conservative synagogue, but when I was in my early teens, I became more observant and involved myself in Hasidism. I was a ba'al tshuvah at a young age. This involvement has remained at the center of my life from those years to the present.*

*For someone like myself, who takes halakhah, Jewish law, seriously, sexuality raises many difficult issues. In my teenage years, I wanted to be a perfect zaddik, to follow all the humrahs, the strictures of halakhah. My main difficulty, as with many orthodox boys, was with masturbation. I expended a lot of energy in trying to observe the prohibition on masturbation, but found myself straying at times. Afterwards, I would go to the mikveh right away to purify myself.*

*Halakhah views sex between men as an averah, a transgression. There is no way around that fact, and no way to rationalize it away. Having acknowledged that, and realizing that my sexual interests were in men, I had to face the question: what should I do?*



*When I was first confronting this dilemma, I went for advice to different rabbis, many of whom had very little understanding of my situation. Most urged me to marry regardless of how I felt. The appropriate feelings, they suggested, would follow naturally. One rabbi suggested going out with women and even "petting" — which, in Orthodox terms, is forbidden, since men and women are not supposed to touch before marriage. (The tradition is not so easy on heterosexuals either!) I did try dating a number of women, but they seemed to sense my lack of real interest. Had I continued dating women and reached a serious relationship with one, I would have had to confront the question of whether to indicate my sexual nature to her. Of course, I realized that most women would not want to be involved in such a marriage. But if I said nothing about my sexuality, wouldn't I be guilty of deception? I know some religious men who are happily married and occasionally have sex with another man. Perhaps for them marriage is a good solution, but it did not seem a likely route for me.*

*How long and by what steps must one try to change one's sexual orientation? Some people feel that they must do all in their power to change, if that is possible. Others are more acceptant of their sexuality and do not feel as tormented. Some rabbis told me to see a psychiatrist. This is probably the only averah for which rabbis regularly turn to the medical profession for solutions. But, given that many people cannot change their sexual orientation in therapy, how long is one obliged to try? And what if a psychiatrist can't help? In my case, I saw a number of psychiatrists who promptly told me, "You are not a homosexual, you're just going through a phase." This attempt at "reassurance" seemed more like a denial of my inner reality, perhaps intended more to reassure the psychiatrist that I was eligible for his "cure." "I charge reasonable rates," one told me. I thanked him and didn't return.*

*One exceptional rabbi gave me advice that I could respect. I told him my concerns about masturbation and homosexual fantasies. He didn't seem at all shocked, nor did he try to tell me I wasn't homosexual or that it was just a phase. He did not need to deny my reality, nor did my revelations block his concern for me as a Jew. His sympathy and lack of shock alone were very helpful to me. I asked him about masturbation and he said to me, "It is a common practice today. In Biblical times, when society was on a higher madregah, people married early, so masturbation was not a big problem. Now, as society has deteriorated, people are forced to marry late, and this is one of the results." On homosexual desires he said, "I know many people who have never had sex with another person and who lead very fulfilling and productive lives. Sex is not a necessity of life." He suggested that my options were marriage or celibacy. I accepted his statements as an appropriate explanation of my halakhic alternatives.*

*Over the years, however, I began to depart from my previous celibacy and to have a sex life. And here, other questions arose for me. Assuming that a person has decided that he cannot be "cured" or urged into even a semblance of marriage, and also cannot maintain celibacy, is there a halakhic way to commit averos? The gemarah says that if a man decides to commit a transgression, he should put on dark clothing and go to a place where he is not known. In other words, at the very least one should practice z'nius, modesty, about one's averos. But does this mean*

*that it is better to have occasional anonymous sex with strangers than to build a lasting relationship of love with one man?*

*In my life, I started out on the former path, of furtive, anonymous encounters. As years passed, my Orthodox friends were all getting married and I began to feel lonely and isolated. I spent my time working, reading and watching TV (and, of course, davening and keeping the mizvos), but that is not a whole life. Then I read about the gay synagogue. I tried to get in touch with them, but I could not travel there on Shabbos. Finally I went there on Purim and met a man from a very observant background; we became friends and eventually started a relationship which has grown and continued to this day.*

*When many observant Jews come out as gay, they opt to give up most observance. They feel that there are too many conflicts, too much need for a double life. Yet a significant number of frum Jews, including myself, have decided not to throw out the baby with the bathwater. Yes, there are problems, but a life of Torah and mizvos is worth maintaining, even if one is negligent in one area of observance. Aren't there countless fine people in all committed Jewish circles who neglect one major mizvah or another?*

Nahman studies Talmud for a better understanding of the halakhah, since he tries to conform his life as much as possible to it. He chooses to share his life with a man. Yet, in the synagogue where he *davens* he must play the role of a bachelor, signalled clearly by not wearing a *tallis*. People constantly try to make *shiddukhim* for him, which he politely refuses. Especially as he gets older, his position is awkward in a circle where non-marriage is frowned upon. He prefers, therefore, to *daven* in a shul where people are not particularly friendly and will not ask too many questions. He shares his daily religious life with the members of his shul, but must keep his personal life hidden. When one friend pressed him why he did not marry, Nahman answered, "Don't you think someone like myself must have a good reason?" AT CBST, he has found a place where he does not have to hide his personal life in order to be part of the community.

Rami:

Nahman wears a beard and a hat. Rami, another member of the class, is cleanshaven and wears a *yarmulke* only when *davening* or studying. Rami is a computer programmer and mathematician and has been in the Talmud *shiur* since he came to New York three years ago.

He says:

*I grew up in suburban New England where my family belonged to a Conservative synagogue. I learned Hebrew in Hebrew school and Camp Ramah. I wasn't athletic in my childhood, so I applied to my Jewish studies the enthusiasm that other kids put into sports. I can still remember the thrill of getting a new Hebrew book, the smell of the fresh print, and the sensuous shapes of the letters of the Hebrew alphabet.*

*When, after college, I came out into the gay life in San Francisco, I felt that I had left behind my Jewish education and upbringing. After a few years I began to*

hear of a gay Jewish group there. At the time, the idea piqued my curiosity but I didn't seek it out. It's hard for me now to figure out why I so studiously avoided it. Perhaps I imagined that it would be mostly old men who would sit around and gossip. Now I see that I was just avoiding my Jewish identity.

Finally I went to the gay synagogue in San Francisco, Congregation Sha'ar Zahav. I was pleasantly surprised by how much I liked the women and men who were gathered there. It was unnerving to begin to take down the walls which separated different parts of myself, and I remember that when I first started going to Sha'ar Zahav, I wouldn't even wear a yarmulke. I suppose I was still rebelling against Jewish observance. After a short time, however, the shul began to call on my services, since I was one of the few with a Jewish education, and I found myself in the position of arguing for more attention to observance.

Later I moved to New York and joined CBST. I was surprised that, unlike the San Francisco gay shul, which was Reform or "creative" in style, CBST was traditional, with lots of singing and a surprisingly large weekly turnout (usually over 100). I had heard about the Talmud shiur while still in California; it was one of the first involvements I took up in New York.

When I first joined the Talmud class, I felt totally lost. The Aramaic of the gemarah resembles Hebrew, but is nonetheless a new language to learn. Then add all the technical terms involved in Talmud study — *humrahs* and *kulehs*, *siatahs* and *tiuvtahs*, *kushiahs* and *shitahs*. I still get them confused. But Ahai has encouraged me to persist, and gradually the discussion makes more sense. Of course it's exciting, too; it's like listening in on a long distance telephone line to hundreds of Jewish conversations over the centuries. You feel as though you are suddenly connected to an uninterrupted Jewish channel of debate and discourse that goes back to Mount Sinai.

Even now, it takes a teacher like Rafram, who is himself steeped in the Oral Tradition, to help understand what the text is really talking about. It's not a tradition you can learn just by immersing yourself in books. Right now I'm content if I can understand the point being discussed, even if I can't yet retain an understanding of who holds what views and which view predominates.

The attitude of halakhah toward homosexuality, and some of its views of women, put me at some distance from halakhah. I refuse to believe that my loving a man is sinful. I think that the halakhah is wrong in this area. Unfortunately, halakhah changes very slowly. I know that Rafram and Nahman won't agree with me. They see the conservative power of halakhah as precisely the essence of its strength — its ability to conserve Jewish practice over the centuries. Yet, as we've learned, halakhah was often a legalistic rationale for contemporary social practices.

Nonetheless, exposure to all this learning about the *mizvos* has made me want to be more observant. It's never a straightforward process, however, since I'm reluctant to give up the "freedom" of action to which I'm accustomed. My parents picked and chose the *mizvos* they wished to follow and I guess I do the same. But I like Rafram's notion that to have a serious relation with halakhah means to see how one can increase one's observance of the *mizvos*. This seems a positive way to look at halakhah, instead of emphasizing what I'm not doing.

*I find that now I'm once again interested in going to other shuls in my neighborhood — something I just wouldn't have done a few years ago.*

Rafram:

Rami is a newcomer to the Talmud, while Rafram has studied it since he was a child. Now a business executive, he was ordained by the most prestigious Orthodox yeshivah in the United States. As the teacher of the Talmud *shiur*, Rafram brings his distinctive approach to *halakhah* to the entire class. He strongly believes in *Torah min ha-shamayim*, the view that the *halakhah* is a divinely ordained way of life which should not be tampered with. He believes that changes within Jewish practice are legitimate only if sanctioned by the *Sanhedrin* or its equivalent today — a consensus of the committed and pious Jewish scholars of our time.

Rafram was one of the early members of CBST and helped shape its present form. However, he no longer attends CBST on Shabbos because he lives beyond walking distance.

He says:

*I grew up in a poor Jewish neighborhood. To my generation, religious observance was associated with being European and poor, while nonobservance was associated with being modern and American. My parents were very observant, from a long line of Hasidim, but like many parents of their time they didn't expect us children to continue their patterns. Some of my brothers and sisters went away from Jewish observance completely. When we were children, my brothers were ashamed of my father's beard, and my sister would move away from my mother on the bus because she was ashamed of her sheitl. Some of my brothers and sisters have become "Modern Orthodox." From an early age, however, I took a strong interest in the Hasidim and, to my parents' surprise, I became very observant. When I was twelve, I gave up going to the movies and the beach, since the Hasidim don't do these things. I also wanted to devote myself more thoroughly to my studies. My brothers would say to me, "What do you want to become European for?" Remember that in those days the Hasidim were a small community of Europeans. I was never very good at sports, so I had a feeling of difference from other children. The Hasidim appealed to me because they seemed to have such a tight-knit community with their own kind of dress, and I desperately wanted to feel a part of such a group. Of course, I still felt like an outsider among the Hasidim; they were too Eastern European for me.*

*I went to an Orthodox rabbinical school where I studied for many years. I was ordained, though that was not considered the final purpose of studying there. Had I been a conventional student, I would have remained at the yeshivah, gotten married, and continued studying, preparing for a life as a Talmud teacher, or a decider of Jewish law. The years at the yeshivah were the best time in my life. I lived in a totally male society in which there was a deep emotional and intellectual union with my peers, and no pressure to deal with women. Understand, there were no sexual involvements here: our involvement was with Jewish learning — but it was a deeply shared commitment.*

*The kind of community that we had in the yeshivah is rare in our fragmented*

society. The hard part is that the ultra-Orthodox don't know how to deal with sexuality. Among the yeshivah boys there was a tremendous guilt over masturbation, so much so that it was never discussed! I felt miserable about it and prayer and study were the compensation. The hard part is that it is a hidden sin. Other sins like gossip are open to view by everyone; you see that everyone does it. When I saw a psychiatrist, in our first session I said, "I masturbate," and he replied, "Well, just about everybody does." What a relief that was! I had felt that I was a lone sinner. And the Zohar calls masturbation "the greatest sin," one for which there is no repentance. So in teenage years, when boys are at the height of their sexual awakening, you have to make believe that you are not a sexual being at all. And that is clearly a denial of reality. It is interesting that there is not much discussion of masturbation in the Torah or the Talmud. The heightened emphasis on this averah comes from the Zohar and the mystical tradition itself which views sexuality as having divine ramifications.

In yeshivah, if a bokhur went out with a girl, they would throw him out. This behavior was considered unacceptable and irremediable. If he was lax in his studies, he would be given a second chance to change his ways, but for dating a girl there was no second chance. This was part of the attempt to make us deny the existence of our sexuality. Just as the flower children of the '60s didn't know how to deal with their aggressive and violent impulses because the reality of those impulses contradicted their ideology, so the yeshivah world cannot deal with the realities of sexuality.

When I was twenty two and a half, the rosh yeshivah called me in and asked if I was ready to consider shiddukhim. This was the beginning of the pressure to get married, and I couldn't handle it. I couldn't study; I was distraught. I developed a fear of going to the Torah, initially because I was afraid I would display guilt when they read any of the prohibitions on homosexuality, but the fear developed into a general phobia of any public observance. I wrote to a rabbi whom I trusted who suggested I should see a psychiatrist. I wasn't earning money so I got some from my parents, telling them that I was depressed. Then my parents came to the yeshivah to ask my counselor what was going on, and he told them that he thought my seeing a psychiatrist would inevitably lead to my going to secular college, which the yeshivah viewed as the worst betrayal.

He was right. I left the yeshivah and started to attend a secular college. At that point it was good for me because all I could do was to teach Talmud, and I was, therefore, bound to the Orthodox world from which I wanted to escape. If it had been acceptable to remain single in the yeshivah, I would have stayed, but the social pressure to marry was too tough for me. I taught in another yeshivah and continued to see a succession of therapists in an attempt to straighten myself out. In my late twenties I stopped teaching. Everyone I knew was getting married and I had fewer friends. I felt guilty, apart, limited, and lonely, and knew that I had to get away from the Orthodox world. I saw a psychoanalytic therapist who told me that I was "inhibited with women." Under his influence, I moved to Manhattan and began to date non-religious women. I personally remained Orthodox, but just being in Manhattan was a freeing experience. After a few years I moved back to Brooklyn where I started dating religious women. Unfortunately, I was right back where I had



started. My experience in Manhattan had changed me, but not my sexuality. I soon stopped all therapy.

My thirtieth birthday was a disaster. I thought about suicide, though not very seriously. I didn't know where to turn until I read a New York Times article by Merle Miller about his homosexuality, and I decided to come out into the gay world. I went to some gay organizations and met people, but most of the Jews whom I met there seemed like anti-Semites to me. I would sometimes go to a gay church group, not for the religious aspect but because I liked the people. There I met Roger, who was active in the church, and we began to live together in Brooklyn Heights. When I lived with him, I was not observant, except for Shabbos, which I usually spent at home with my parents. Roger and I did not keep kosher. I was never anti-religious, but I wanted to start life anew and leave behind the painful memories of my post-yeshivah days. Roger and I lived a very quiet life, visiting our few friends in the Heights.

Ironically, it was an Episcopalian minister, Father Weeks, in whose church the gay Christian groups met, who sought to form a gay group to meet the needs of the Jews who were coming to his church. He asked me if I would help and I said that the idea would never work. Also, I did not want to give up spending Shabbos with my parents. The gay synagogue started without my involvement, helped by six months of free rent from the Episcopalian church. I read about it in the newspaper and it warmed my heart. This was 1973. Then, one Shabbos, I gave my parents an excuse why I couldn't join them and travelled to the gay synagogue. It was so nontraditional at that time, it was a culture shock. I didn't put on a yarmulke and I didn't daven. I went a few times more; the group was eager for leadership. The first time I led services at the shul, I was so nervous I was sweating; I still had my phobia of public observance. But as soon as the service began, I felt completely at ease, and the phobia disappeared completely, never to return. I continued to lead the shul for several years.

At first I didn't realize what a profound change this involvement would make in my life. It took Roger and me in different directions. I began to spend much of my time with the shul, and our quiet private life as a couple was lost to the public demands of my leadership in the shul. I did tshuvah, every few months adding some more observance — kashrus, then stricter Shabbos observance. In 1976 I started to put on tfillin again. At a certain point, my level of observance became such that I no longer spent Shabbos at CBST. Through the shul, I met a religious man and we became friends and then lovers. I split up with Roger.

It is still difficult for me to feel entirely comfortable in an Orthodox shul, although I feel even less comfortable in a non-Orthodox one. Even now, when I no longer feel guilty about my life, there are still too many things I must hide. Even if everyone is very friendly, once you pass the age of thirty there is this big question-mark hanging over your head — “what's the matter with you?” So for davening I go to large Orthodox shuls where I can be anonymous, but for holiday celebrations I'd be missing very much if I didn't have my hevrah in CBST.

Judaism has to be practiced in a community. If homosexuality could be totally accepted as just another difference, like hair color, then there would not be a need for

*a gay shul. But that's not about to happen. Most Americans lead secular, atomized lives, like I did when I lived with Roger. They lack a gesellschaft, a community. But we have this with CBST. Traditional Orthodoxy is a totally encompassing culture. Even modern Orthodoxy is anemic by contrast. The confidence from being in such a culture leads to a feeling of superiority, which is only natural. My father was happy in his shtibl; it was everything to him. In effect, CBST is my shtibl. The Talmud class is not just a study group, it's also a community within the community of the shul. Our community even includes people who don't come to the class but join us on Sukkos, Hannukah, Purim, Shavuot, and other holidays, and when we have a siyum to celebrate the finishing of a masekhta.*

### Gay Jews

Talking with Ahai, Nahman, Rafram, Rami and other members of the Talmud class yields a number of surprising similarities, some of which might not be found among CBST members in general. All the Talmud class members come from families in which some religious observance was a part of their life; all of the class members were devoted to their Jewish studies as children or teenagers; many class members fell away somewhat from Jewish observance while "coming out" in the gay world; many class members have found CBST to be a way to return to Jewish observance, Jewish study and Jewish community.

It is interesting to note, however, that the pattern described above may be changing, due to the existence of CBST. Some of the members described above felt it necessary to abandon their Jewish life in order to seek out the gay community. Only when CBST was created could they begin to integrate the two. However, for young people coming out in recent years, the very existence of CBST as a place to turn means that they need not feel they must leave the Jewish world in order to fulfill their sexuality. The synagogue and its members encourage newcomers to explore and retain both their sexual identity and their Jewish identity.

That exploration is still inevitably fraught with the contradictions inherent in the Jewish organization of sexuality. A Jewish man or woman who decides to come out as gay has to choose between the relatively recent "gay culture" and the rich, ancient, but unwelcoming Jewish culture. Gay synagogues like CBST are, thus far, the only terrain where this contradiction is lessened. But, as with many others, the gay synagogue is the focal point in the life of only some of its members. Those who wish to partake in the Jewish life of the rest of the Jewish community must often keep their gay life a secret.

The last twenty years have seen a dramatic reorganization of acceptable sexuality in America. Self-defined lesbian and gay communities are only one part of the newly legitimized constellation which includes single-parent families and shared-custody divorces. American Jews are caught up in these changes as much as are their gentile neighbors, but American



Jewish institutions are only now beginning to come to terms with today's sexual organization.

The Reform movement has accepted some gay synagogues into the Union of American Hebrew Congregations. Jewish political groups, from the American Jewish Committee to New Jewish agenda, have expressed open support for gay civil liberties. Even some modern Orthodox rabbis have begun to realize that marriage may not be the solution to everyone's sexual needs.

The traditional Jewish organization of sexuality is unlike that of any other culture. Family life is held up as the exclusive norm to which everyone is expected to adhere. Indeed, much of Jewish ritual is centered in the home where husband, wife and children all have differentiated roles to play. The Jewish family, acting within a larger Jewish community, has always been a cornerstone of the strength of the Jewish people. There is no explicit role for unmarried or celibate women or men, as there is, say, in the Catholic church. The unmarried remain as onlookers in traditional Jewish family life, as members of other people's families. Thus, while religious gay Catholics today must still deal with guilt and shame over the sin of homosexuality, gay Jews typically are more concerned with how their sexuality will affect their status in their families and in the Jewish community as well as their ability to have children and a Jewish family life.

That the gay men and lesbians of today wish to live more openly is, in fact, not a "threat" to the family or to *halakhah*. The ninety percent of Jews who are primarily heterosexual are not about to change their ways, no matter how legitimate homosexuality becomes. The gay synagogue, far from legitimizing *averos*, is bringing Jews closer to Jewish life.

# *The Meaning of Suffering: A Talmudic Response to Theodicy*

MATTHEW B. SCHWARTZ

THE AGE-OLD DILEMMA OF THE MEANING OF human suffering forces itself upon the thoughts of mankind today as starkly as ever in light of the monstrous crimes and immense tragedies of this modern twentieth century of ours. The Hebrew Bible gives classic expression to the problem of theodicy: how can evil and suffering exist, particularly for the virtuous, if God is truly omnipotent and omnibenevolent? Indeed, the problem carries with it the deeper question of the purpose of man's finitude and mortality. The rabbis of the Talmud and Midrash developed their own special range of approaches to this area in their discussions of what the Talmud and Midrash call *yissurin*, a term variously translated into English as suffering, chastisement, or affliction.

The rabbis concentrated not so much on the theological aspects of theodicy as on the more pragmatic question of how shall an individual respond to the *yissurin* which come upon him. It became less a matter of penetrating God's motives than of understanding what *yissurin* mean on a day-to-day basis to the one undergoing them.

The rabbinic literature presents a number of viewpoints on the topic, though most of the variations amongst the rabbis seem to reflect differences of temperament rather than clear conflict or contradiction in theological opinions. It is often thought to be axiomatic in the study of history that ideas develop and change through the course of time. The general merits of this thesis will not be debated here. Yet it must be noted that the concept of *yissurin* was already ancient during the Talmudic Era, and while it may have aroused more interest in certain circles and in certain times, to view the progress of the concept of *yissurin* merely from an evolutionary standpoint would be too artificial.<sup>1</sup>

Three main points will be presented. First, it will be argued that, to the rabbis, *yissurin* meant not merely punishment or suffering but, more

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1. Ephraim Urbach points out the great interest of R. Akiba and his disciples in *yissurin*, perhaps as a result of the Bar Kokhba tragedy and the hard times of the first half of the second century, C.E. ("Ascesis and Suffering in Talmudic and Midrashic Sources"[Hebrew], *Yitzhak Baer Jubilee Volume*. [Jerusalem, 1960], pp. 57-61). Also: Urbach, *The Sages* (Jerusalem, 1979), Chapter 15.

fundamentally, toil and struggle. To undergo *yissurin* did not imply that man, body or soul, was evil or dirty or that he had been rejected by God. This view contrasts very sharply with the general Western views of the efficacy of penitential suffering for its own sake and the feeling that the body is basically evil and dirty and ought to be derogated. Second, the various possible reactions of the individual to *yissurin* will be explored. Finally, there will be a discussion of the belief that righteous men, the sages who served as leaders of their generations, could, through their own *yissurin*, somehow benefit mankind, could raise other people toward a fuller relationship with God. An important part of our task will be to remove the esoteric vagueness from the concept of *yissurin* and to view it at a more historical psychological level, all the while resisting the temptation to rationalize it to twentieth century notions. The occurrence and efficacy of *yissurin* in the life of an individual were, in fact, seen by the sages more in terms of historical facts than of mystical theological principles.

The Talmud reports several classic examples of tannaim who suffered *yissurin* in the form of severe physical pain. Let us mention three. (1) Naḥum of Gamzo, a teacher of R. Akiba, was stopped on the road by a sick beggar who asked him for alms.<sup>2</sup> Naḥum replied that he would help him on the way back, but, on his return, he found that the beggar had died. He said, "May these eyes that saw you and did not give to you be blinded. May these hands that did not stretch forth to give to you be cut off. May the legs which did not hurry to help you be broken." All these afflictions ultimately struck Naḥum. R. Akiba came to visit his teacher and said, "Woe is me that I see you thus." Naḥum replied, "Woe is me that I do not see you thus. . . . Why do you kick at (reject) *yissurin*." (2) R. Elazar ben Simeon accepted *yissurin* upon himself in an effort to seek forgiveness for having possibly wronged some righteous men.<sup>3</sup> The *yissurin* would come upon him at night and it is reported that although sixty covers were put under him, blood still soaked through and filled sixty buckets that were kept beneath his bed. R. Elazar would welcome his afflictions each evening with the words, "Come, brethren and friends." Eventually, he was cured, but during the period of R. Elazar's *yissurin* no one died prematurely. (3) A calf being led to the slaughter broke away and ran to R. Judah Hanasi, who said to him, "Go. For this you were created."<sup>4</sup> Because R. Judah took no mercy on the calf, he was visited with thirteen years of painful toothaches. The *yissurin* were ended as a result of an incident in which R. Judah took

2. P. *Sheqalim* 5:6, 49b. *Taanit* 21a. The versions differ in some details but not in a way significant to our purposes.

3. *Bava Mezia* 84ab- 85a.

4. Genesis *Rabbah* 33:3 and 96.2. P. *Kelaim* 9:4, 32b. P. *Ketubot* 12:3, 35a. *Bava Mezia* 85a. Minor differences among the versions are again not germane to this essay. It is worthy of note that R. Elazar's father, R. Simeon ben Johai, and perhaps R. Judah's father, R. Simeon ben Gamaliel, also seemed to have a particular interest in *yissurin* (*Berakhot* 5a), *Sifre* on Deut 12:16.

pity on some weasels. The sources add that, during those thirteen years, no woman miscarried. R. Elazar's *yissurin* were considered preferable because they were accepted out of love, whereas R. Judah's were more in the nature of punishment.

### *The Meaning of Yissurin*

A number of points can be derived from these aggadot. There is little of the other-worldly or orgiastic about the *yissurin* which the three tannaim suffered. The significance of this fact is much heightened if contrasted with the flagellant movements of the late Middle Ages. The rabbis did not enter a state of trance or ecstasy; they were not governed by chiliastic goals or hysteric impulses, and their acts were fully, perhaps coolly conscious. *Yissurin* may be desired and, in any case, should be cheerfully accepted when they come; however, physical pain should not be self-inflicted, and is not inherently good or efficacious. There is no sense of dichotomy between a soul striving for purity and a sinful body. Mortification of the flesh would be undesirable unless necessary for some greater end. Nor is there a craving for renunciation of the flesh. There is nothing in the Talmud material on *yissurin* to indicate that the sufferers renounced, per se, physical pleasures like food, drink and sexual intercourse. *Yissurin* are less a drive to escape divine wrath by self-punishment than an attempt to shoulder the burden of earthly toil and trial as a path to truly righteous living. This point is of cardinal importance.<sup>5</sup> *Yissurin* involve penitential suffering, and at least one important result may be what today's existential psychology calls self-actualization. However, the true essence of *yissurin* is seen as something higher and more necessary, the acceptance of a devotion to toil as man's lot in this world. By nature, man is imperfect, as is the world in which he lives; however, he can accept his imperfections and his mortality, and, in this recognition, can live best by devoting himself to hard work, by accepting whatever tribulation is necessary to strive toward greater fulfillment of the divine command. This is viewed by the rabbis as, indeed, a small price to pay in order to come closer to God. It is, in fact, in this toil, in the *yissurin* themselves, that man's truest greatness as a human being consists.

The relationship of the sufferer to the community should be noted. The sufferer's acceptance of *yissurin* does not at all relieve him of any of the usual responsibilities to himself or to others, nor is he separated either

5. See R. Yeruham Levovitz, *Daat Hokhmah Umussar* II, 125-131, and III, 120-121. Also M.H. Luzzato, *Daat Tevunot*, chapter on Reward and Punishment. The definition of *yissurin* as toil rather than pain would seem to offer a useful explanation for the rather perplexing statement of R. Simeon ben Yohai, "Three good gifts did the Holy One, Blessed be He, give to Israel, and all were given only by means of *yissurin*; and they are Torah, the Land of Israel, and the world to come. . . ." *Mekhilta d'R. Ishmael* on Exodus 20:20, *Sifre* on Deut 6:5., *Berakhot* 5a.

physically or emotionally from the community. Virtually none of the sages in the Talmudic accounts were hermits. In fact, R. Elazar ben Simeon was criticized for remaining away from the house of study for a time because of quarrels with some of his colleagues. One may cite also the statement of R. Johanan bar Nappaha who forbade fasting to a teacher who would have been so weakened that his work would not have been as productive as it ought.<sup>6</sup> Those who accepted *yissurin* did not join sectarian or separatist groups as did the flagellants, nor were they in any sense anti-nomian. Acceptance of *yissurin* was an expression of humility and of fear of sin which indicated intense devotion to the Torah, not rejection of either the Torah or the established religious institutions. Nor did the visitation of *yissurin* imply that God had rejected the sufferer, or that the man-God dialogue had been in any way impaired. Suffering is not accompanied by alienation either from God, from the community, or from oneself. There need be no urge to depression, despair or self-destruction. The Talmudic man who accepts his *yissurin* is probably closer to the modern existential *strebenden Mensch* than to the medieval chiliast.<sup>7</sup>

The relationship of *yissurin* to punishment and suffering is such that all punishment and suffering contain *yissurin*, although *yissurin* do not always represent a punishment. The Talmud discusses a number of forms of *yissurin* which are distilled into five by the commentary *Yefe Toar*<sup>8</sup>. (1) Some are brought upon a person as challenges or tests like the ten tests by which, according to the well-known tradition, God tried Abraham. In meeting these challenges, one can attain a higher level of spiritual and mental development. (2) Some come as an inevitable aspect of man's frailty and the course of nature. The Midrash (Canticles *Rabbah* 1:3) uses the example that one who gathers myrrh must get his hands gummy. (3) *Yissurin* of love are sent upon a person simply to increase his reward in the next world by giving him his punishments in this world instead. The Midrash (Genesis *Rabbah*, 92:1) cites two biblical verses to illustrate this point: "Happy is the man whom You instruct" (*tiyasrenu*) i.e., instruct by means of *yissurin*, (Ps. 94:12). "Whom the Lord loves, He corrects," (Prov. 3:12).<sup>9</sup> (4) Some *yissurin* wipe out sins, and even the best of human beings cannot avoid an occasional slip. (5) Others are visited upon the leaders in their role of responsibility for the people. All five have in common the notion that *yissurin* are not merely punitive but positive and beneficial, especially in the constant reminder that one must be realistic about his ego needs and responsibilities. A midrashic text states that the words "very

6. P. Demai 7:3,26b. *Taanit* 11ab. Cf. Urbach, *Baer*, pp. 64-65.

7. Cf. Ahad Haam, "Judaism and Asceticism," *Essays, Letters, and Memoirs*, ed. Leon Simon (Oxford: Phaidon Press, 1946).

8. R. Abraham Yoffa Ashkenazi, *Yefe Toar* on Gen. *Rabbah* 92.

9. Gen. *Rabbah* 92:1. These *yissurin* are seen as an act of love by God, who purifies man so as to uplift him and make him fit for everlasting life. Cf. Rashi, *Berakhot* 5a, Samson Raphael Hirsch's commentary on Psalms 94:12.

good" in Genesis 1:31 apply to *yissurin*, for "it is by means of *yissurin* that people are brought to everlasting life."<sup>10</sup> However, the truest benefit comes to those who can learn the lesson which is offered. In fact, the severity of the afflictions need not be great. The Talmud inquires as to what would be the least sort of *yissurin* and responds: even when someone puts his hand in his pocket to take out three coins and brings up two.<sup>11</sup> The amount of pain matters less than the way the individual reacts to it.

### *Man's Response to Yissurin*

An aggadic parable attributed to R. Akiba describes four ways of reacting to *yissurin*:<sup>12</sup> (1) With quiet obedience, like Abraham who did not challenge the divine command to sacrifice Isaac. (2) Defiantly, like Job who questioned the *yissurin* sent upon him. (3) With supplication, like Hezekiah who prayed for the rescinding of the heavenly decree of his imminent death (although some see Hezekiah also as defiant). (4) With active acceptance, like King David who invited the Lord to smite him. Each response may be appropriate in a given situation, but, in general, David's is seen as showing the highest level of love and righteousness.<sup>13</sup>

Whatever the value of *yissurin*, there are limits to what each individual can handle. Raba prayed that his sins be wiped away, but not by means of *yissurin*.<sup>14</sup> This prayer, which, these days, is included near the end of the Yom Kippur *amidah* service, is not a rejection of the concept of *yissurin* but an expression of one sage's fear that he might not be able to handle the pain. A similar theme is found in the moving story of R. Johanan and R. Elazar ben Pedat. R. Elazar was ill and very depressed. R. Johanan, coming to visit, found him sitting in a darkened room. R. Elazar wept and when R. Johanan questioned him as to why, he replied that he wept for the beauty of such a one as R. Johanan that would ultimately wither in the ground. R. Johanan, too, was overcome with weeping at this reminder of man's frailty and mortality. Finally R. Johanan asked R. Elazar if he

10. Gen. *Rabbah* 9:10 in name of R. Huna. See Rashi, *R'if* and *Iyun Yaacov* on *Sanhedrin* 101a.

11. 'Arakhin 16b-17a. This particular expression is, however, cited in the name of Raba who had little taste for *yissurin* personally, as will be seen below.

12. *Semahot* 8. *Mekhilta d'R. Ishmael* on Exodus 20:20. *Tanhuma*, Buber ed., *Vayera* 7, p. 89, and 39, p. 108.

13. The theme of man arguing with his Creator has drawn increased attention in recent years, both in popular literature like *Fiddler on the Roof* and in more serious studies, such as those of the man-God dialogue among the Hasidic masters. To discuss the Talmudic views on this topic would require a separate study, but for present purposes suffice it to say that varying currents are present in the Talmud and Midrash. While the notion of dispute with the Deity is not entirely ruled out (e.g. *Berakhot* 31b-32a, *Deut. Rabbah* on Deut 3:26, *Gen. Rabbah* 49, also R.E.B. Wasserman, *Kovetz Shiurim* on *Kiddushin* 22a), some passages are less than sanguine about it (e.g. *Exodus Rabbah* 6:1).

14. *Berakhot* 17a.

desired his *yissurin*. "Neither they nor their reward," came the answer, whereupon R. Johanan restored R. Elazar to health.<sup>15</sup>

Again, R. Elazar did not dispute the concept of *yissurin*, but, rather, declared his inability to benefit further from those he was undergoing at that moment. He would seek to serve his Creator by other means. All of this will still not solve the ancient dilemma of theodicy; however, it does represent a sort of reconciliation with it, a way of living usefully despite man's failure to understand. The rabbinic attitude to *yissurin* has something in common with Socrates' argument in the *Apology* that nothing can harm a good man except the diminishing of his own virtue by his evil deeds.

A comparison with another masterpiece of Greek literature is instructive in another way. Aeschylus' *Prometheus Bound* might not have been totally alien to the rabbinic view of *yissurin*.<sup>16</sup> Prometheus faced the existential dilemma of life, despite the great suffering which Zeus inflicted upon him, and through his pain he was ennobled, rising in human dignity above those who lorded it over him and taunted him. The rabbis might well have admired the staunchness of a Prometheus and his determination to follow the right; yet, other factors in his situation would have seemed strange. The Jew undergoing *yissurin* is not alienated from God as Prometheus was from Zeus. Nahum of Gamzo, R. Akiba, and the other sages who suffered were neither pitting their strength against God nor seeking to avoid Him. They accepted *yissurin* as natural to the earthly condition and not entirely within human comprehension. As R. Yannai put it, (*Avot* 4:19), "We understand neither the prosperity of the wicked nor the *yissurin* of the righteous." This axiom was taken by the rabbis as a matter of course. To Prometheus, the question was how to maintain his humanity despite his terrible pain at the hands of a cruel Zeus. To the rabbis, *yissurin* presented a situation in which new internal resources would be tapped in maintaining and expanding the dialogue with God. R. Yannai's statement was not appropriate to Prometheus, as it is clear that Prometheus suffered because of Zeus' enmity. The Talmudic sages did not feel that they suffered because of divine lack of interest. The *yissurin* had some valid cause and some purpose, albeit unknown, in the divine plan for the world. What had to be explored and what could be ascertained was how the Torah would want man to respond to the *yissurin*. Indeed, the sages of the Talmud felt that a person with a proper perspective need not be obsessed with the problem of theodicy. "Just as one bles-

15. *Berakhot* 5b. Maharshah argues that R. Elazar's discomfort was so great as to interrupt his study of the Torah, thereby cancelling their value as *yissurin*. One might note, too, in this regard the passage in Exodus *Rabbah* on Exod 32:16 which claims that the study of Torah shields a person from *yissurin*.

16. J. Bergmann, "Die Stoische philosophie und die Jüdische Frömmigkeit," *Festschrift zu Hermann Cohens siebzigstem Geburtstage* (Berlin, 1912), offers an interesting comparison of rabbinic and Stoic ideas.



ses God for good fortune, so one blesses Him for misfortune.”<sup>17</sup> The question of whether one’s life is to be comfortable or uncomfortable should not be overwhelming. Adversity, like prosperity, must be a means to aid in the observance of the Torah. Understanding and observing the commandments overrides any other considerations, including philosophic dilemmas.

The cheerfulness with which Naḥum faced his *yissurin* and the smile with which R. Akiba faced the Roman torturers are of immense significance in Jewish history. They are the wellspring of the pathos and the remarkable sense of humor which has stood the Jews well throughout centuries of persecution and suffering in Europe. The quips of Tevye the milkman and his scriptural witticisms for every eventuality stem from the strength of a people who had learned that *yissurin* might pinch them but would not leave them alienated from God.

### *The Yissurin of the Righteous Benefit Mankind*

One of the more perplexing aspects of *yissurin* is the role of the righteous man, for not only does he suffer for his own imperfections, but his suffering somehow helps to alleviate the afflictions of his generation. The passage cited above tells that during R. Elazar ben Simeon’s *yissurin* no man died before his time and that during R. Judah Hanasi’s *yissurin* no woman miscarried. Why and how do the *yissurin* of one person bring benefit to others? Several rabbinic texts throw light on this issue.<sup>18</sup> “Whoever has greater knowledge has greater *yissurin*,” “The Lord is strict with the righteous to a hair’s breadth.” “Each man is considered according to the amount of his wisdom.” The wise man’s keener perception of the human condition leads to the assumption of greater responsibility, including greater physical and emotional *yissurin* as he tries to confront life. A passage in *Genesis Rabbah* 32:1 offers three explanations in the form of parables: R. Jonathan says that a craftsman does not test the poorer quality bottles that he makes because he knows that even one blow might break them. However, the better-made vessels will not break even if struck a hundred times. So, also, the Holy One tests the righteous but not the wicked. R. Jose bar Ḥanina states that a flax worker who knows his flax is of good quality will beat it and work it very hard in full confidence that it will be improved. Poor flax, however, when handled in this way is ruined. So, too, the Holy One tests the righteous and not the wicked. A third metaphor is offered by R. Elazar ben Pedat. If a man has two heifers, one strong and one weak, surely he will place the heavy yoke on the strong one. So, too, the Holy One puts the yoke on the righteous and not on the wicked.

17. *Berakhot* 54a and parallels.

18. *Ecclesiastes Rabbah* 1, end; *Gen. Rabbah* 19:1. P. *Sheqalim* 5:1, 49d. *Bava Kamma* 50a. *Yevamot* 121b and parallels.

The three parables illustrate three opinions as to the function of the righteous man's *yissurin*.<sup>19</sup> R. Jonathan sees them as God's demonstration to the world that this particular person is righteous, one might say a sort of advertisement for virtue. R. Jose bar Hanina argues that, as one beats flax to improve it, so God visits *yissurin* on the righteous in order to improve them. R. Elazar feels that the *yissurin* placed on the righteous remove from other people a burden which they cannot handle. This is consistent with his attitude in the story of *Berakhot* 5b. Also, the assumption of the burden by those most able and best prepared to bear it will certainly be more productive. Again, the three opinions expressed here seem to reflect differences of emphasis based on temperament rather than starkly opposite points of view.

How, in fact, do the *yissurin* of the righteous help the masses? One possibility is that the righteous man, by his righteousness, was thought to raise the moral level of the community as a whole and to render its members less liable to punishment.<sup>20</sup> However, presumably, if the community were to reject the work of the righteous man his merit would not protect them indefinitely. The Talmud also advances the concept that the *yissurin* of the righteous man make him a *mofet* or symbol.<sup>21</sup> Thus, R. Akiba's martyrdom at the hands of the Romans is seen, essentially, not as a personal punishment for sins for which he merited death, but as *yissurin* for the entire community and from which the community must draw its lesson. The Talmud compares it to the prophecies of Ezekiel, who underwent various acts of suffering as a public symbol to his fellow-Jews of the impending destruction of Jerusalem and the First Temple.

This is not the Western notion of vicarious atonement in which the affliction of one person has some automatic effect toward uplifting others. The *yissurin* of the righteous man can help others turn to repentance, but, ultimately, it is the reaction of the people for whom he suffers that is decisive and not his *yissurin* in themselves. It is, then, this practicality, this common sense and the confidence in divine compassion that comprise the Rabbinic response to *yissurin* and that has given the Jewish people strength to survive the many hardships that have so often been their lot.

19. For further examples of the merit of the righteous protecting the community see Gen. *Rabbah* 49.1f and 32.7.

20. See *Yefe Toar* and gloss of R. Zev Einhorn on Gen. *Rabbah* 32:1.

21. *Semahot* 8. *Sanhedrin* 39a. *Mekhilla d'R. Ishmael* on Exodus 22:22. Might one regard the suffering of Soviet prisoners like Anatoly Scharansky as a sort of *mofet* for the 1980s?

# ***“The Two of Them Went Together” (Genesis 22:6): Visions of Interdependence<sup>1</sup>***

ALAN HENKIN

## I

ON A RECENT POSTER PRINTED BY NETWORK, A stately synagogue is depicted with steep, broad, concrete steps leading up to its heavy doors. In the foreground, at the foot of the steps, a man in a wheelchair looks up with a mixture of despair and resentment at the impossibility of getting himself into the building. Emblazoned on the bottom of the poster are the ironic words of the 118th Psalm, *Pithu li sha'arei zedek* (“Open for me the gates of righteousness”). The poster vividly depicts the entrenched segregation separating Jews with disabilities from Jews without disabilities.

Several reasons account for this situation. To begin with, we have a body of legal literature within Judaism which, to be frank, presumes that people with disabilities suffer a diminution of sanctity or a lessening of mental competence. For example, the Book of Leviticus prohibits the Israelite priest with a blemish from offering fire-offerings at the altar to God (Lev. 21:16-23). The disqualifying disabilities appear to include blindness, limbs of different lengths, broken bones, mobility-impairments, skin diseases, and the like,<sup>2</sup> although the exact meaning of the biblical Hebrew words for the disabilities eludes scholars. As the biblical scholar Martin Noth reminds us, these laws about the priest with a disability apply only narrowly and technically to his functions in the Temple cult,<sup>3</sup> but are irrelevant to his life outside the cult, to his interaction with other Israelites and to his utilization of other priestly perquisites. Still, to the ancient Israelites, the disability of the priest clearly resulted in some

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1. In this essay I do not intend to speak *for* Jews with disabilities. Such people are capable of speaking — or signing — for themselves. As the deaf woman Sarah puts it in Mark Medoff's *Children of a Lesser God*, “Nobody's going to speak for me anymore . . . For all my life people have spoken for me. *She* says; *she* means; *she* wants. As if there were no I” (New York: Westmark Productions, Inc., 1980), pp. 62,66.

2. The Mishnah, Talmud and Maimonides enlarged the list to encompass moral and religious blemishes like murder and idolatry. (M. *Bekhorot* 7:7; B.T. *Meg.* 24b; *Mishneh Torah*, “*Hil. Bi'at HaMikdash*” 9:13-15).

3. Martin Noth, *Leviticus*, rev. ed. (Philadelphia: Westminster Press, 1951), pp. 153, 156.

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diminution of holiness which barred him from approaching the altar to make a fire-offering. To the minds of the Israelites, did "perfection" of the body somehow symbolize perfection of the soul? Was physical "perfection" a pre-condition of ministering to the perfectly holy God?<sup>4</sup> What is the significance of the fact that the word "blemish" (*mum*) in this passage can also refer to moral blemishes?<sup>5</sup> In subtle and not-yet understood ways passages such as this one color the attitudes of modern Jews towards persons with disabilities, and furnish one reason for the segregation.<sup>6</sup>

Another example of Jewish legal restrictions on people with disabilities is the *heresh*, the technically deaf person. According to Jewish law a *heresh* is not liable for any criminal acts or property damage,<sup>7</sup> may not sue or be sued,<sup>8</sup> may not serve as a witness,<sup>9</sup> may not buy, or own real estate,<sup>10</sup> may not serve as a ritual slaughterer,<sup>11</sup> and may not be counted in a prayer quorum.<sup>12</sup> As the rabbis construed biblical law, that law prohibited deaf people from marriage, and only by means of rabbinic ordinance was marriage between deaf people effectuated.<sup>13</sup> The most outrageous rabbinic discussion on deafness comes from Rabbi Jacob Israel Hagiz, a 17th century rabbi living in Israel who asks if one may violate the Shabbat laws in order to save the life of a deaf person.<sup>14</sup> Ordinarily, the principle obtains that one may desecrate one Shabbat to save a life so that the survivor will be able to observe many more Shabbatot in the future.<sup>15</sup> But in Jewish law the *heresh*, the deaf person, because of his disability, is not under any positive obligation to obey the Shabbat laws. Therefore, if he does not have to keep Shabbat laws, neither now nor in the future, why should we save him? Why should we violate the Shabbat prohibition against work today when no future observance of the Shabbat can be expected from the deaf person, wonders Rabbi Hagiz. Other rabbis condemned the mere asking of this question. The *Hofeẓ Hayyim* (Israel Meir Hakohen), a late 19th- and early 20th-century Polish scholar, wrote, "I don't know what caused the author (of this question) to doubt that we desecrate the Shabbat to save the life (of a deaf person); his words are incredible to me."<sup>16</sup>

4. Stewart Govig, *Disability Within the Family of God* (Minneapolis: American Lutheran Church, 1980), p. 9.

5. See Deut. 32:5; Prov. 9:7; Job 11:15; cf. B.T. *Bava Mezi'a* 59b and B.T. *Kid.* 70b.

6. For a theological defense of the Bible's laws about the blemished priest, see Jonathan Omer-Man, "The Evolution of the Blemished Priest," *Social Policy* (forthcoming).

7. B.T. *Bava Kama* 39a and 87a; *Shulhan Arukh*, *Hoshen Mishpat* 406:5 and 424:8.

8. *Shulhan Arukh*, *Hoshen Mishpat* 96:5.

9. *Shulhan Arukh*, *Hoshen Mishpat* 35:11.

10. *Shulhan Arukh*, *Hoshen Mishpat* 235:17-19.

11. B.T. *Hul.* 2a; *Shulhan Arukh*, *Yoreh De'ah* 1:5-6.

12. *Shulhan Arukh*, *Orah Hayyim* 55:8.

13. B.T. *Yevamot* 112b f.

14. *Hilkhot Ketanot*, Part II, Section 38.

15. B.T. *Yoma* 85b.

16. *Bi'ur Halakhah* to *Shulhan Arukh*, "*Hil. Shabbat*," Section 329, para. 4. He follows the reasoning of Samuel and Rav Judah in B.T. *Yoma* 85b.

The legal restrictions on the deaf person bespeak a long-standing assumption of Jewish and non-Jewish philosophy that speech and reason are dependent on one another.<sup>17</sup> The person who could not speak, who had lost his hearing prior to the acquisition of language, was presumed not to be in control of his mind, to be intellectually underdeveloped, and to lack the cognitive skills requisite for full maturity and legal responsibility. Because the ancient rabbis were unable to communicate with deaf people, they were unable to ascertain the will of such individuals. Thus, they were forced to assume the worst about deaf people in order to protect them. To some unknown extent, these ancient biblical and rabbinic attitudes towards the deaf have insinuated themselves into our contemporary attitudes towards persons with disabilities.

Many of the laws affecting deaf people also affect the *shoteh*, a category which probably includes under its rubric people with developmental or learning disabilities.

(The rabbis) used the general term *shoteh* to mean not only one suffering from what would today be called a psychotic breakdown, but also a person subject to intellectual deficiency (idiot, imbecile, moron).<sup>18</sup>

Like the *heresh*, the *shoteh* was not allowed to buy and sell property,<sup>19</sup> to act as a witness,<sup>20</sup> or to marry and divorce on his own,<sup>21</sup> and was not held responsible for property damage or for religious precepts.<sup>22</sup> The Bible used a variety of other words to describe people whose deportment might today be ascribed to those with developmental disabilities or learning disabilities. The *peti* seemed to be the individual whose unusual behavior was not a matter of will, but of mental disability which resulted in an inability to discriminate between good and bad (Prov. 9:4; Hos. 7:11), safety and danger (Prov. 22:3), wisdom and foolishness (Ps. 19:8). The *kesil* appeared to be more calculating than the *peti* and, therefore, outwardly more willful, but the *kesil*'s inappropriate behavior might also stem from a developmental disability. On the other hand, the *kesil* actively hated knowledge (Prov. 1:22) and enjoyed doing wickedness (Prov. 10:23), but, on the other hand, the *kesil* experienced difficulty in learning (Prov. 26:7), talked nonsensically (Prov. 15:2), and could not restrain his emotions (Ec. 7:9; Prov. 29:11). Occasionally, the *kesil* was connected with the brute and the boor (Ps. 49:11; Jer. 10:8).

Biblical and rabbinic texts, reflecting the thinking of their ages, did not differentiate among intellectual, emotional or moral disabilities. For the shapers of our religion the tests for sanity, religiosity and intelligence

17. J. David Bleich, "Status of the Deaf Mute in Jewish Law," *Jewish Law Annual*, Vol. II (1979), pp. 187 ff.

18. Asher Bar-Zev, "Aberrant Behavior in Jewish Tradition," *Journal of Psychology and Judaism*. I, 1 (Fall, 1976): 70.

19. *Shulhan Arukh, Hoshen Mishpat* 235:20.

20. *Shulhan Arukh, Hoshen Mishpat* 35:8-10.

21. B.T. *Yev.* 112b; B.T. *Git.* 22b f; *Shulhan Arukh, Even HaEzer* 67:7. Cf. B.T. *Yev.* 69b.

22. *Shulhan Arukh, Hoshen Mishpat* 406:5 and 424:8; B.T. *Rosh HaShanah* 28a.

were all the same: studious and prayerful devotion to God and God's will as revealed in the Torah and authoritatively interpreted by the rabbis. If one could not successfully study Torah and fashion a life-style in conformity with its norms, then one was ipso facto judged insane, impious or stupid. Jewish tradition has always prized academic excellence and intellectual achievement, so much so that Jacob Emden, an 18th century Polish rabbi, held that if a wise person and a *shoteh* were both in mortal danger, we save the wise one first, "because the one who is great in wisdom takes precedence over all others."<sup>23</sup>

Whence this Jewish premium on intelligence, competence and cognitive skills like literacy and articulateness? Is it a survival technique to preserve culture via the written word in the absence of territorial sovereignty?<sup>24</sup> Another reason may be deeply ingrained in the very concept of Torah: that God's will is, at least in part, contained in a literary corpus. To fathom the divine will we must read and interpret these texts, engage in activity which requires intelligence, memory and cognition. In Judaism, learning, because it results in a life of piety, has been the *sine qua non* for the good life. People unable to participate in learning or to excel at it because of a disability have thus been precluded from the Jewish version of the good life. Perhaps the very concept of Torah is a source for the segregation of Jews with developmental or learning disabilities.

In addition to these legal and meta-legal reasons for the segregation of Jews with disabilities from Jews without them, there are also profound theological reasons. So poignant is the question of theodicy that even in our thoroughly secular times a theological book on this subject — Rabbi Harold Kushner's *When Bad Things Happen to Good People* — is a best-seller. Why does God permit (cause?) disabilities among people? Some rabbis have answered with the notion of "*yissurin shel ahavah*," sufferings of love. "If the Holy One, blessed be He, is pleased with someone, He crushes him with painful suffering."<sup>25</sup> Other rabbis have linked disabilities with sin and punishment. Abraham ibn Ezra, a twelfth-century Spaniard, commenting on the verse, "You shall not curse the deaf nor put an obstacle before the blind; you shall fear your God, I am the Lord" (Lev. 19:14), wrote, "You must fear your God because He is able to punish you by making you deaf or blind." On the theological and psychological levels these rabbis were attempting to give good reasons for disabilities and, thereby, to make sense of something which, at first blush, looked unjust. In this way they were able to preserve God's moral integrity and to neutralize their own dread of becoming disabled.

Indeed, almost all non-disabled people experience a dread and a dissonance in the presence of a person with a disability. We see ourselves

23. *Sefer Lehem Shamayim al Pirke Avot* 45b.

24. Norman Mirsky, "Yavveh vs. Masada," in Bertram Korn, ed., *A Bicentennial Festschrift for Jacob Rader Marcus* (New York: Ktav Publishing House, Inc., 1976), pp. 377-400.

25. B.T. *Ber.* 5a-b.

without limbs, without hearing, without sight, without mobility. In people with disabilities we encounter our own limitations; dimly and unconsciously we become aware of the fragility of our own health and the tenuousness of our very lives. In the presence of a person with a disability we collide with our own mortality. Our pretensions to eternal wholeness are stripped away, and we stand exposed and vulnerable. No wonder that we try to keep persons with disabilities at arm's length; to identify with them is to admit our human finitude — and that is painful and awesome. The Protestant theologian, Jürgen Moltmann, asks why non-disabled people are unable to see the disabled *person* and, instead, focus on the condition, the disability itself? Because, he answers, we wish to see ourselves as *healthy* person, not as person only.

Every particularist and narrow identification (the human being as a white man, the human being as man, and the human being as a healthy, non-handicapped person) leads to . . . racism, sexism, and the idol of health to the pushing aside of other people.<sup>26</sup>

Finally, as reasons for the segregation, some political factors are germane. In America, the Jewish community is a voluntary one in which persuasion and influence, not compulsion and coercion, determine decision-making. In most American Jewish communities, power is distributed among an oligarchy which responds to the articulate sectors of the community.<sup>27</sup> Because no single authority on high has the power to dictate policy, the community attends to issues and constituencies that come forcefully to its attention. Until recently, the community of Jews with disabilities was unable to confront the rest of the community forthrightly and emphatically. This was so for many reasons: the internalized, negative self-images of disabled people; internecine squabbling among the many disability groups; the absolute smallness of the number of Jews with disabilities. All of these factors, as well as others, thwarted organizing and lobbying on the part of such Jews. This political issue is a chicken-and-egg question; people with disabilities could not become enfranchised until the community became accessible, but the community would not become accessible until people with disabilities exposed the community's inaccessibility. Thus, in addition to the legal and theological reasons, political reasons, namely, the voluntaristic and oligarchic make-up of the Jewish community and the political weakness of Jews with disabilities, contributed to the segregation of Jews with disabilities from Jews without them.

## II

Just as some reasons for the segregation emerge from Jewish tradition and community, so do reasons for integration. First, reflect upon the

26. *The Church in the Power of the Spirit* (New York: Harper and Row, 1977), p. 186.

27. Daniel Elazar, *Community and Polity* (Philadelphia: Jewish Publication Society, 1976), p. 322.



notion of the hero. In classical, Greco-Roman culture the hero was the person blessed with super-human strength and bodily perfection, comely in appearance and graceful in his bearing.<sup>28</sup> Our Jewish heroes are very different. Sarah was infertile most of her life; Leah was visually impaired; Isaac was blind much of his adult life. Jacob wrestled with a man (or perhaps with an angel), who left him with a mobility-impairment and a new name, Israel (Gen. 32:23-33). The very name of our people is connected with a disability.

Moses, the greatest leader in Jewish history, had a communication-disability. According to a rabbinic legend, after Pharaoh learned from his astrologers that the new-found Moses would grow up and threaten his kingdom, the king resolved to test the baby, and had hot coals and gold placed in front of him. As the baby reached for the gleaming gold an angel from God pushed his infant hand into the hot coals. The child then lifted his scalded hand to his mouth to cool it, thereby burning his lips and causing a permanent speech disability.<sup>29</sup> So severe was this disability that, in later years, Moses' brother Aaron had to interpret for him.<sup>30</sup>

Jews with disabilities have also been great scholars. As a boy of five, Mefiboshet, Jonathan's son and Saul's grandson, was dropped by his nurse, and his feet were injured so badly that he could scarcely walk (II Sam. 4:4). Nonetheless, he not only became one of King David's most loyal supporters (II Sam. 19:25-31), but, according to the Talmud, he was an outstanding scholar whom David consulted on all matters.<sup>31</sup> In the talmudic era, both Rav Yosef and Rav Sheshet were blind. Rabbi Zeira was called "the short one with burnt legs." Among post-talmudic blind scholars we find Rabbi Judah Gaon of Pumbedita who wrote the *Halakhot Gedolot*; Isaac Sagi Nahor ben David, the twelfth-century father of the kabbalah; and Rabbi Joseph ben Azriel ha-Levi Schnitzler, the author of an illustrated commentary on the last nine chapters of Ezekiel, explaining the whole plan of the ancient Temple. He dictated this material to the reader of the Hamburg congregation in London in 1825.<sup>32</sup> And let us never forget a recently deceased blind rabbi, Harry Brevis, who not only served in congregational settings, but, also, as the chaplain at Attica State Prison in New York. Moreover, he invented a Braille system for Hebrew.

28. Morton Siegel, "Keynote Address," *Proceedings of the First Conference for Jewish Special Education Professionals* (New York: United Synagogue Commission of Jewish Education, 1979), pp. 14-16.

29. *Ex. Rabbah* 1:26. In sending the angel, God implicitly takes responsibility for Moses' disability. Elsewhere, God takes explicit responsibility. See, inter alia, *Ex. 4:10 ff* and *Ex. Rabbah* 3:15.

30. If Moses were alive today and had to communicate by telephone, he would have to use a telecommunication device for the deaf (TDD).

31. B.T. *Ber.* 4a and B.T. *Eruv.* 53b.

32. Michael Levy, Naamah Kelman, Sharon Strassfeld and Michael Strassfeld, "The Jewish Blind," *The Second Jewish Catalog* (Philadelphia: Jewish Publication Society, 1976), pp. 168-169.

By now the point should be well made that one reason for integrating persons with disabilities into the Jewish community is that, historically, such persons have made enormous contributions to Judaism and Jewry.

Other factors compel us to integrate persons with disabilities. After all, we Jews are a people commanded to pursue justice, and justice tells us that disabilities are simply not a relevant criterion for exclusion or discrimination. Just as nobody chooses to be a man or a woman, a black or a white, nobody chooses to be disabled. A disability is an accident of birth, disease or of human agency. Commenting on *Pirke Avot* 5:12, Maimonides made this point in connection with learning disabilities: intelligence and wisdom “are not within (the student’s) power. These virtues cannot be acquired.” The Bet Behirah, a 12th century commentator, said the same thing:

It is not proper to say that one student who learns quickly and forgets slowly is pious and the other student who learns slowly and forgets quickly is wicked, because both of these are qualities which come from a natural propensity when we are born.<sup>33</sup>

Because disabilities are not voluntarily chosen conditions, they are not a good reason for disenfranchisement. Arbitrary discrimination on the basis of a physical, mental or emotional condition is simply unjust.

Finally, Jews with disabilities ought to be integrated into the Jewish community because it is in our self-interest to do so. One rabbinic story tells us that a blind man and a seeing man were walking on the road. They sat down in a field to eat and, finding an herb next to them, they both ate it. Suddenly the seeing man became blind and the blind man became sighted. As they left, the one who had guided the other was himself now guided by that other.<sup>34</sup> We who are temporarily able-bodied people never know if, and when, we ourselves will become disabled. And when that day comes, it will be of some comfort to know that the Jewish community is accessible to all of us. Thus, simple selfishness — the interest to keep the community open to ourselves in case of our own disability — ought to impel us to integrate Jews with disabilities into the community.

### III

During Rosh Hashanah we Jews recite the inspiring and yet frightening *Unetaneh Tokef*, which, according to Jewish legend, was composed by a rabbi at the time of his own disabling and martyrdom. The climactic sentence of that prayer reads: “But repentance, prayer and righteousness will avert the severe decree.” For the Jewish community to integrate Jews with disabilities we need repentance, prayer and righteousness. By “repentance” I mean remedial actions. For example, the Episcopal Church ordained a deaf man in 1880, the Methodist Church ordained

33. *Bet Behirah al Mesechet Avot* to *Pirke Avot* 5:14.

34. *Numbers Rabbah* 18:22.

one in 1894, the Southern Baptist Convention did so in 1906, and the Catholic Church ordained a deaf man in 1977,<sup>35</sup> but, to date, no Jewish seminary has ordained a deaf person as a rabbi.<sup>36</sup> Some deaf people believe that it is impossible for one like themselves to become a rabbi. In the February, 1982, edition of the *National Association of the Deaf Broadcaster*, people were asked, "If you were a hearing person, what kind of work do you think you'd be doing?" One man answered:

If I were a hearing person, I would probably be a rabbi. I became deaf at age 13. Up until that time I had a great love for Hebrew and the stories of the Bible. I could read Hebrew fluently. After I lost my hearing it became too difficult to follow religious services, and I was upset at the rabbi because he didn't want to console me on my becoming deaf.<sup>37</sup>

The Jewish community ought to inaugurate a program of affirmative recruiting, hiring, training and promoting within our ranks of Jews with disabilities as teachers, social workers, counselors, rabbis, administrators and, most importantly, as role models.

Jewish Federations and other organizations should consider the establishment of positions of regional directors for the affairs of Jews with disabilities. A person in this position would coordinate already existing programs, would facilitate the creation of new services, would advocate on behalf of Jews with disabilities within the community and would serve as an ombudsman for them in their dealings with the organized community.

Furthermore, the Jewish community should redouble its efforts at providing opportunities for Jewish education and cultural enrichment for Jews with disabilities. J. David Bleich wrote recently that unlike the *mizvah* of *hinukh* (training), the *mizvah* of *talmud torah* (study of Torah, i.e., Jewish education) is intrinsic and is not predicated on the mental abilities of the child.<sup>38</sup> Furthermore, says Rabbi Bleich, applying the *Tosafot* to B.T. *Bava Batra* 21a, if the financial cost of Jewish special education is too burdensome for the parents, "the community is required to establish a class for (special education) instruction."<sup>39</sup> The entire community falls under the halakhic obligation to supply special education classes.

Turning to *tefillah* (prayer) we must acknowledge that the religious life of many Jews with disabilities is sadly impoverished. It is no secret that, architecturally, many synagogues are inaccessible, especially to those with mobility-impairments. The American Lutheran Church recently considered granting building loans to its member churches on the condition that

35. Jack Gannon, *Deaf Heritage, A Narrative History of Deaf America* (Silver Spring, MD: National Association of the Deaf, 1981), pp. 181-193.

36. Elyse Goldstein, "Sermon," National Congress of the Jewish Deaf Convention, Aug. 7, 1982, Washington, D.C.; and reprinted in the *NCJD Quarterly*, 15, 1 (November, 1982): 1, 9.

37. "The Inquiring Reporter," *NAD Broadcaster*, (Feb., 1982): 2.

38. "Torah Education for the Mentally Retarded," *Journal of Halacha and Contemporary Society*, 4 (Fall, 1982): 88-89.

39. *Ibid.*, p. 91.

they agree to make everything accessible.<sup>40</sup> Though our synagogues are not centrally funded, they could still set up internal accessibility funds to which their members might contribute. Of course, I refer not only to ramps, widened washroom stalls, lowered drinking fountains, etc., but to Braille and large-type prayerbooks and Bibles, to sound-enhancement systems in the sanctuaries, and to formal policies designed to integrate Jews with disabilities into the brotherhoods, the sisterhoods, and the young groups of our congregations. I would also caution the representatives of the religious sector of Jewry to beware of discomfiting prayers and rituals. For example, in the *Birkhot HaShahar* we pray, "Blessed are You, Lord our God, Ruler of the universe, who opens the eyes of the blind."<sup>41</sup> Or in the Reform *Gates of Prayer*, "Can we imagine a world without color, a world without the grace of blue, the life of green? . . . Can we imagine a world without sound, never knowing the joy of sound?"<sup>42</sup> How do blind Jews and deaf Jews feel when they recite these prayers?

The third obligation of the *Unetaneh Tokef* is righteousness. The disabled community is besieged. Within the last year, even in such respected journals as the *Los Angeles Times*<sup>43</sup> and *Harper's*<sup>44</sup> the jackals were voraciously tearing at the hide of the disabled community. Accessibility is too expensive, is the complaint. Just as Amalek viciously attacked the enfeebled stragglers at the rear of the Israelite formation (Dt. 25:17-19), so the Reagan Administration is savaging programs vital to the disabled community.<sup>45</sup> Let me quote extensively from a report entitled *Trust Betrayed, Hope Denied*, recently published by five disabilities rights organizations:

The current Administration's policy may accurately be described as one of malignant neglect. In every area critical to life — jobs, education of children,

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40. Govig, p. 20. In a letter to the editor of *Sh'ma* (Vol. 13, No. 245 [Jan. 7, 1983]: 39) Itzhak Perlman wrote, "Unfortunately, the architects of Jewish places of worship, or for any place of worship, for that matter, are preoccupied with stairs and forget that worshippers are not all able-bodied. I feel that Jews as the chosen people should set an example to others in breaking down both attitudinal and architectural barriers."

41. "I am troubled by a liturgy which uses my physical characteristic (blindness) as the basis for a blessing of thanksgiving. . . . (My blindness) should not make me the object of pity or derision. Why, I ask, should one pray that the eyes of the blind be literally opened?" (Rhonda Weiss, "Blessed are You, who Opens the Eyes of the Blind," [Genesis II, 13, 2 (Nov., 1981): 7]).

42. New York: Central Conference of American Rabbis, 1975, p. 93.

43. Anna Shaff, "Society Cannot Compensate for all Burdens of Disabled," *Los Angeles Times* (December 4, 1981), Part II, p. 12.

44. Roger Starr, "Wheels of Misfortune," *Harper's*, No. 264 (Jan., 1982): 7-9.

45. As Jews well know, in times of hardship the poor, the oppressed and the powerless suffer more than the rest of the population. Although I do not mean to compare the Reagan Administration to Hitler's regime, I wish to point out an early Nazi law, "The Law for Prevention of Congenitally Diseased Descendants," which gave the Reich broad powers over every aspect of the lives of people with disabilities, including sex and procreation. Jews with disabilities were doubly vulnerable. (Horst Biesold, "Forgotten or Concealed: Deaf Nazi Victims Accuse," [Unpublished paper, University of Bremen, 1981]).

vocational training, housing, medical treatment, disability prevention, forced institutionalization, human and civil rights, transportation, food, barriers to mobility, minimum legal advice, physical rehabilitation, life sustaining income, prevention of work injury, disease inoculation, and basic shelter — present policies have shifted sharply in favor of less support and thus have created suffering and fear . . . The present situation is all the more egregious because it comes after the solemn commitments made in connection with 1981 as the United Nations International Year of Disabled Persons (IYDP) . . . Instead, 1981 and 1982 became the years in which the most significant backsliding occurred in the United States . . . When an economically developed country which is a member nation of the United Nations substantially *reverses* its national policies towards a group which has been made the subject of a special United Nations Year . . . a mockery is made of international commitments to human rights . . . (The Administration's policies) represent a mean-spiritedness, a philosophy of unfairness and monumental insensitivity to the deepest needs of human beings which is not fitting for the United States in the 1980s.<sup>46</sup>

During 1983 (the International Religious Year of Persons with Disabilities) and beyond, the Jewish community and its community relations arms, its synagogue social action committees and its lobbying bodies should stand with the disabled community.

In the heyday of black liberation theology some thinkers contended that if all humanity is created in God's image and if most of humanity is non-white, as whites themselves defined non-whiteness, then God must be non-white also.<sup>47</sup> May we make the same deduction about disabilities? If up to 20% of humanity has a disability, and if all humanity is created *b'zelem elohim* (in God's image), then does God have a disability? The Jewish tradition revels in God's skill at creating diversity among people.<sup>48</sup> The *Shulhan Arukh* even codifies the blessings of praise to God which we say upon seeing people with disabilities.<sup>49</sup> Our human problem is accepting the variety which God has seen fit to create. Moses' prayer for tolerance is ours, too:

Master of the universe, the thoughts of each and every person are revealed to You. No two persons' thoughts are alike. When I depart from (these Israelites), I beseech You to appoint over them a leader who tolerates each person according to his way of thinking.<sup>50</sup>

A midrash tells about a blind man and a seeing man, walking together on a road, with the seeing man acting as guide. When they came to a house, the seeing man asked the blind man to precede him in to light a candle and illuminate the house for him.<sup>51</sup> Thus, in the light, the seeing

46. San Francisco: Public Advocates, 1982, pp. 10-11, 14, 15, 106 and 107.

47. Albert Cleage, Jr., *The Black Messiah* (New York: Sheed and Ward, Inc., 1969), pp. 42-43.

48. See, e.g., *M. San.* 4:5.

49. *Orah Hayyim* 225:9.

50. *Tanhuma, Parashat Pinhas*.

51. *Numbers Rabbah* 15:5.

man helped the blind man, while, in the dark, the blind man helped the seeing man. This parable epitomizes our vision of the interdependence of the community of Jews with disabilities and the community of non-disabled Jews.

## *Prayer for the New Year*

GARY PACERNICK

Lord watch over  
My small domain  
Of light and shadow  
Those few people  
Who share my love  
And all others  
Upon this earth  
That sometimes shakes  
With thunder  
And reverberates with  
Lightning help us  
To live with fear  
And conquer rage  
Heal the hate —  
That makes men kill  
And covers the ground  
With this red sea  
That only you can part  
So we may all walk  
Through the wilderness  
To Your kingdom  
Of peace where all  
Men and women are one  
And sing your blessed name

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# *The Judgment of Solomon: Legal and Medical*

S. LEVIN

SOME OF THE PROVERBIAL WISDOM OF SOLOMON rests upon a famous tale<sup>1</sup> (1 Kings 3:16-28) of two women, living in the same house, each having been delivered of a son, one of whom dies in the night. Both mothers appear as litigants before the king, each claiming that the surviving child is hers. The wise king threatens to hew the disputed infant in two, a decision which so distresses the true mother that she begs the king to give the infant to the rival claimant.

The legal issues have recently been explored by a New York lawyer who sees this dramatic narrative as a "concise record of a courtroom scene" involving a complainant (plaintiff), respondent (defendant) and the ten word decision of the Judge-King. He interprets the nature of the proceeding as an action of

habeas corpus proceeding to determine which of the parties is the mother of the male infant then in the custody of the respondent. She was being accused of having surreptitiously exchanged her own dead infant for the complainant's live child — a charge of kidnapping. The text does not disclose whether the parties had previously presented their case to the elders at the city gate or whether the case was being heard by the King in the first instance. However, there was an urgent need for a prompt decision awarding the live child to one of the women . . . Solomon's Hall of Justice was open to all litigants — even if the disputants were prostitutes.<sup>2</sup>

Of course, the case is carefully stage-managed, with the respondent callous enough to accept the decision of the King to cut up the baby, thus solving Solomon's problem. This woman had, in effect "renounced her right to custody and shown herself to be unfit as a mother, whether or not she was the natural mother of the child." And so Solomon awarded the infant to the complainant.

"Although his final decree was wise and just, it was not based on any

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1. Similar tales of disputed maternity and conflicts between mothers and foster mothers both ancient and recent, are recorded by T.H. Gaster in *Myth, Legend and Custom in the Old Testament* (New York: Harper & Row, 1969), pp. 491-494 and by S. Liptzin, "The Judgment of Solomon," in *Dor le-dor*, Journal of the World Jewish Bible Society, 10, (Spring 1982): 177-182.

2. H. Rand, "Justice in Solomon's Court" in *Dor le-dor*, 10 (Spring 1982): 170-176.

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proof that complainant was in fact the biological mother.”<sup>3</sup> This final assessment brings us to consider a medical angle, as we should, in a forensic case. After all, in conflicts involving disputed paternity (or disputed maternity) expert medical witnesses are called in, and Solomon did not have these at his disposal. Nevertheless, he cannot be excused in this matter, because he had numerous wives and concubines and had seen numerous newborn sons and daughters. As a wise father he must have noticed something about the anatomy or habits of newborns which were highly relevant to the case presented to him.

The complainant observes that her rival “gave birth to a child . . . During the night this woman’s child died because she overlaid it” (1 Kings 3:18, 19). The impression given is that the infant died shortly after birth and this is in keeping with what we know about the most hazardous time for newborns: the great majority of neonatal deaths take place in the first twenty-four hours of life. As to the diagnosis of overlaying, this is most unlikely unless the mother was utterly intoxicated and the story gives no hint thereof. Neonatal overlaying is a common folk diagnosis, and was especially so in ancient times, when death was from an uncertain cause.

A crisis situation arose in the early morning (v. 21) with a live baby having to be fed, in the company of one mother whose milk had just come in and another whose breasts were still empty (the milk usually “comes in” on the fourth day after giving birth). Clearly this situation could not wait for a lower court and we can agree that the case was heard that day, or that very morning, in Solomon’s court. With two women fighting over one hungry baby there was no time to lose.

There was evidently nothing of a familial or hereditary nature to indicate that the infant resembled a particular mother in a special way (identical birthmark, cleft chin, etc.). Quite the reverse: the two infants were similar enough for one mother to have seriously entertained the notion that a substitution might work and, indeed, the complainant had to scrutinize (*va’etbonen*, v. 21) the dead infant next to her before deciding that it was not her son.

And yet we are provided with a remarkable piece of information which makes it possible to decide who was the real mother of the live baby. We are given a clinical clue — if the narrator intended it as a clue — in verse 18: “*bayom hashlishi lelideti* — on the third day after I gave birth” her rival gave birth. So three days elapsed between the birth of the first and second babies and this interval is not disputed by the rival. This interval is of the most critical importance because within a day after the death of the second baby the dispute is already at Solomon’s court and at this time the firstborn is about four or five days old and the dead baby — had he lived — about one or two days old. In other words, the complainant pleads

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3. Ibid.

“This live baby is mine and he is five days old,” while the defendant pleads “This live baby is mine and he is two days old.”

The complainant had breasts suitably full five days after giving birth and the defendant had breasts suitably flaccid two days after giving birth, and there is no way of deciding whose is the baby on the basis of breasts already lactating or not yet filled with milk. But there is a way of telling the difference between a two-day-old baby and one who is five days old, and a wise king and father of many babies must have been aware — as is any doctor — that two factors easily distinguish these infants:

1. On the second day of life the navel string (umbilical cord), especially the portion nearer to the navel, is still wide, supple and fleshy. On the fifth day of life the whole of the navel string is a hard, thin, shrivelled, black cord.

2. On the second day of life, as on the first, the stools are black or green-black (meconium is the medical term) whereas by the fifth day they are bright yellow.

Is it a literary accident that the writer of this tale places a hiatus of three days between the respective births? After all, we might have expected the story to tell that the infants were born on the same day. If the specific of the three-day interval has been deliberate and carefully thought out, and is, in fact, a clinical clue presented by a particularly astute story teller, then we might even legitimately draw the inference that the writer or story teller was a woman and a mother who subtly put her knowledge into the mind of Solomon.

# Women, Religious Rejuvenation and Judaism

S. DANIEL BRESLAUER

## *Rejuvenation in Judaism*

In an amazing passage the Talmud suggests that Moses' priority as covenant-maker rests on purely chronological grounds. Ezra, it is claimed, was equal to the great lawgiver and the Talmud anticipates modern scholarship in making him the founder of Judaism as we know it today (*Sanhedrin* 24b). Another talmudic insight recognizes that not only Ezra but leaders in every generation of Jews rival Moses. Ezra, Hillel, and Rav Hiyya were three individuals who at different times rescued Torah by rejuvenating it when the tradition had declined and become stultified (*Sukkah* 20a). Following through the implications of this talmudic view, Judaism can be understood as a religion of rebirth. New challenges mean that religion must respond in new ways in order to attain the same goals.

Ezra, Hillel, and Rav Hiyya transformed the structure of Jewish life by reorganizing political leadership, providing new personal options, and creating innovative institutions of Jewish community. Rejuvenating Judaism meant, for each of them, revolutionizing social, psychological, and institutional realities of religious life. Ezra came to the post-exilic community with a new authority by which he legitimized a new religious ideal — that of the priest-scholar — which became manifest in new institutional forms.<sup>1</sup> Hillel performed a similar function by moving beyond priestly power, demonstrating new possibilities within Torah, and raising up disciples in a new institutional setting.<sup>2</sup> Rav Hiyya and his sons renewed Judaism in the crucial period after Judah HaNasi codified the Mishnah. He maintained the dynamic quality of Torah leadership by resisting the Hillelite dynasty, by cultivating an independence of Jewish scholarship, and by creating alternatives to the Palestinian Torah academies.<sup>3</sup>

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1. Solomon Zeitlin, *The Rise and Fall of the Judean State*, Vol. I (Philadelphia: Jewish Publication Society of America, 1962), pp 18-23.

2. Zeitlin, *Rise and Fall of the Judean State*, Vol. II (Philadelphia: Jewish Publication Society of America, 1967), pp. 100-118; Nahum N. Glatzer, *Hillel the Elder: The Emergence of Classical Judaism* (Washington, D.C.: B'nai B'rith Hillel Foundations, 1956).

3. See the article by Zvi Kaplan in the *Encyclopedia Judaica*, Vol. 8 (Jerusalem: Keter Publishing House, 1974) columns 794-796.

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Rejuvenation in Judaism seems to consist in making just such innovations. The threat of stagnation may be represented by certain power groups that wish to maintain the status quo so that their authority will be unchallenged. Changing times may pose a different threat, by making the received language and images of a religion no longer meaningful to some individuals. As these find their needs changing and their perceptions altered, a tradition that was formerly alive and persuasive loses its power. Finally, social structures become irrelevant as new institutions arise to take over their function; only if the social space freed by these changes is utilized by the tradition can it regain its strength. Jewish religion is renewed and regenerated when it confronts the challenges threatening its relevance and value.

The modern period is clearly one in which rejuvenation is necessary. American Jews are restless with imposed traditional authority; they are uneasy with the obligations and expectations associated with a life of Torah; they are uncomfortable with the institutions of Jewish social life which compete with, rather than complement, the other institutions of American living. Challenges to traditional Judaism are being launched by a variety of American Jewish groups, among them the Jewish feminists. Many Jewish women would echo the sentiments of Cynthia Ozick that the theological scandal of Torah's compromise with male chauvinism "appears to call Torah itself as a source of precept into question."<sup>4</sup>

The challenge of Jewish feminism addresses itself to the political, psychological, and sociological aspects of Jewish life. On the first level, the legitimate question is whether women can continue to be dominated by a male power structure in which they have hardly a voice, much less an influence. On the psychological level the pressing issue is the relevance of images and symbols devised by men for the unique experience of women. Many women also wonder whether the institutions of rabbinic Judaism offer them a full range of social expression. This challenge of Jewish feminism reverberates in every sphere of Jewish life and demands a rejuvenated Judaism to respond to it.

### *Hillel the Elder and the Rejuvenation of Judaism*

How does Jewish life reawaken to its potential? Past examples of Jewish revitalization provide insights into the process. One example in particular is useful — that of Hillel the Elder. The stories associated with him demonstrate how Judaism in the first century of the Common Era responded to the challenges of a transitional period filled with religious ferment.

One crucial aspect of Hillel's career was the elevation of rabbinic leadership to a position of authority. The nature of his political activity

4. Cynthia Ozick, "Women: Notes Toward Finding the Right Question," *Forum* 35 (1979):60.

becomes clear on examining the legend of his own rise to power.<sup>5</sup> The story as finally developed tells how Hillel came to Palestine from Babylonia to study with the two greatest scholars of his day, Shemaya and Abtalion. After their death it occurred that Passover fell on a Sabbath. The priestly leadership was uncertain whether to slaughter the Paschal sacrifice and violate the Sabbath or to forfeit the Passover ritual for the sake of sabbatical rest. They appealed to Hillel, who then provided a number of rabbinic proofs to show that the Passover sacrifice is permitted, but these arguments, being based on his own hermeneutical innovations, were rejected. Finally, he reported that he had heard from his teachers, Shemaya and Abtalion, that the Passover sacrifice overrides the Sabbath. That decision was accepted.

Here Hillel's ability to rejuvenate Torah grew from his position within an elite scholarly aristocracy. He renewed Jewish life because his authority was rooted in an accepted tradition. The story does not end, however, with Hillel's victory. It goes on to say that he upbraided the Palestinian Jews for having neglected the scholars in their midst. This anger, according to the tale, was unjustified and brought divine punishment in its wake. The sage had forgotten the law concerning the bringing of knives into the Temple area. He was forced to admit his failure and declared, "This law have I heard, but I have forgotten it." This admission in itself shows the fallibility of relying only on a scholarly tradition. Hillel, the story goes on to say, provided another alternative source for renewing Jewish life. "But let Israel alone," he is reported as saying, "if they are not prophets, they are disciples of prophets." When, on the holiday, he saw Jews strapping the knives onto the lambs so that each animal carried its own instrument of slaughter he recalled that this, indeed, was the law as taught by his mentors.

The additional detail of the knives for slaughter points to the importance of the Jewish people itself as a force for religious precept. A religion is rejuvenated when the believers as a whole, and not just a scholarly elite, are involved. Only an approach which combines respect for academic authority with responsiveness to the needs of community can revive a stagnant religious tradition. As Robert Gordis points out, Jews today often avoid just that revitalizing combination; both a rigid authoritarianism and a chaotic liberalism have "abandoned Judaism's self-rejuvenating historical dynamism." Only a dialectical Judaism which gives both authority and flexibility a place "seems to show the greatest similarities with the method and substance of teaching of the popular leaders during the declining Second Commonwealth."<sup>6</sup>

5. Jacob Neusner, *From Politics to Piety: The Emergence of Pharisaic Judaism* (Englewood Cliffs, New Jersey: Prentice-Hall, 1973), pp. 23-35. Neusner's perceptive scholarship sees the importance of variant traditions and recognizes the traps awaiting historians. I am using the tale here in its latest version not as a *historical* prototype but as an *image* of Jewish renewal.

6. Robert Gordis, *Conservative Judaism* (New York: Behrman House, 1945), pp. 26-27.

*Catholic Israel and Jewish Women*

The classic formulation of this principle was that given by Solomon Schechter in elaborating his view of "Catholic Israel." Even when revising and developing its meaning, many Jewish thinkers draw inspiration from Schechter's insight.<sup>7</sup> He saw the Jewish people as an organic whole whose corporate consciousness was expressed in Jewish religion. Yet, just as the body needs a mouth to articulate its self-awareness, so the Jewish people needs its leaders to express its growing selfhood. The purpose of the rabbi is a double one — the preservation of Torah as a repository of Jewish consciousness and sensitivity to the changing reality of the people of Israel, the creators of that consciousness.<sup>8</sup>

The dialectic between Jewish leaders and the Jewish people forms the basis of the idea of "Catholic Israel." In reality, however, the dialectic has often been incomplete. One half of the Jewish population has been excluded from it. Women have been defined by Jewish tradition, their expectations and obligations have been established by a male leadership group. They, themselves, have never been part of the decision-making process nor have they participated in creating Jewish religious precedent. If rejuvenation in modern Judaism depends on an interaction between a responsive and authoritative leadership with the whole of Israel's peoplehood, then women must be part of both sides of the equation.

How would such a dialectic be constructed? Women would need to take seriously the authority and effectiveness of Jewish leadership. They would need to grant to established Jewish scholars legislative power over their own lives. At the same time, men must not only listen to women but grant them the opportunity for personal creativity, a chance to be leaders in their own realm. David Novak's sensitive treatment of the question of women and their involvement in Jewish life demonstrates how this might be accomplished. He listens carefully to the voices of women in the modern Jewish community. He recognizes the validity of their objections, the reality of their pain. He acknowledges that today's Jewish woman "desires greater participation in religious life." Jewish leaders, he urges, should be sensitive to that desire. In the light of this worthy motivation "statements offensive to her ought to be played down."<sup>9</sup> Women are also granted a leadership role — in their own spheres of activity. They are urged to accept the framework of Torah, to act within the definitions given them

7. Robert Gordis, *Understanding Conservative Judaism*, ed., Max Gelb (New York: The Rabbinical Assembly, 1978), pp. 45-61; David Novak, *Law and Theology in Judaism*, first series, foreword by Louis Finkelstein (New York: Ktav, 1974), pp. 41ff; Arthur A. Cohen, *The Natural and Supernatural Jew: An Historical and Theological Introduction* (New York: Pantheon Books, 1962), pp. 283-287.

8. Solomon Schechter, *Seminary Addresses and Other Papers* (Cincinnati: Ark Publishing Company, 1915), pp. 235, 126.

9. Novak, *Op. cit.*, p. 20; see his entire discussion, pp. 15-20.

by tradition. Within that framework women can create new forms, develop responsive leadership, and become full members of a rejuvenated Judaism.<sup>10</sup> This controlled creativity arises when women are both creatively original and respectfully reverent towards traditional Judaism.

*Creative Discontinuity as a Jewish Alternative*

An ethical response to the contemporary needs of Jewish women requires a challenge to both popular thinking and established authority — the twin powers in “Catholic Israel.” Aaron H. Blumenthal is accurate and realistic in stating that “If Jewish women today participate in the broad spectrum of Jewish and non-Jewish causes it is not in response to the call to observe *mizvot*, but in violation of one of the most cherished Rabbinic injunctions to women . . .”<sup>11</sup> Does this recognition imply that an answer to the problem of women in Judaism can come only by abandoning Jewish tradition and structure? Are there precedents for such a confrontational approach? Can this approach be justified — not merely on the basis of precedent but in terms of its own logic and values?

Returning to the story of Hillel’s rise to power, a striking aspect of the story as finally retold is the apparent irrelevance of hermeneutical principles. Hillel’s logic and his interpretations of law prove nothing; only an appeal to the authority of his teachers convinces his audience. If these ingenious interpretations of Halakhah are not decisive in Hillel’s argumentation, then what purpose do they serve? Nahum Glatzer suggests that they are part of an entire program to revitalize Torah study.<sup>12</sup> Torah is to be more than a set of legal directives; its importance lies beyond its specific injunctions; it is an arena in which individual actualization takes place. Torah study is an environment in which the individual is confronted with the need to choose.

Torah gains power when it is an open court in which debate and discussion take place. The vitality of Judaism, as Ernst Simon clearly understands, depends in large measure on its ambiguity. Because Jewish religion contains such an abundance of suggestive power, choice is indispensable. Judaism is inevitably involved in moral discussion because no one point of view is incontestably dominant.<sup>13</sup>

With magnetic power, the possibilities of discussion draw individuals into Jewish life. Hillel revitalized Judaism by making it a personal challenge for each individual, by making it psychologically compelling. Two

10. David Novak, *Law and Theology in Judaism*, second series (New York: Ktav, 1976), pp. 136-140, 146-147.

11. Aaron H. Blumenthal, “The Status of Jewish Women in Jewish Law,” *Conservative Judaism* XXXI:3 (Spring 1977): 24.

12. Glatzer, *Hillel*, pp. 53-55.

13. Ernst Simon, “Law and Observance in Jewish Experience,” in Alfred Jospe, ed., *Tradition and Contemporary Experience: Essays on Jewish Thought and Life* (New York: Schocken, 1970), pp. 221-256.



elements are involved in this revolutionary transformation. The first is to recognize that Judaism possesses a plurality of options. The vast array of images and symbols within the Jewish tradition means that individuals of varying perspectives can still turn to it as a valued resource for their lives. Any attempt to limit and restrict this diversity undermines its persuasive power. Secondly, the process of Jewish self-definition must be emphasized. Judaism is as much a dynamic way of being as a decisive content. The legal precedents of Jewish culture become actualized by personal involvement in decision making. By joining the affirmation of pluralistic options to a recognition of Jewish process, Judaism is revitalized. This process fulfills the goal expressed by Solomon Schechter, "to furnish the law with wings of love and awe, to make it return to God who gave it."<sup>14</sup>

A third element must now be added. Not only does revitalization depend on recognizing the variety of Jewish options and the process of Jewish religion, but also on respecting Judaism as a tradition. Hillel could introduce innovations because he did so in the name of precedent. Max Routtenberg stresses that a modern Judaism must affirm both innovation and change.<sup>15</sup> A creative desire to transform Jewish life depends upon prior commitment to Judaism itself. If Jewish life is unimportant, then neither option — traditional or nontraditional — is worth choosing. Routtenberg claims that "The question of making the law relevant can only have meaning in a society that respects and obeys the law . . ."<sup>16</sup>

For Jewish women, such an approach means standing in double protest — first against a tradition that seeks to limit their choices, to enforce a predetermined pattern of "feminine" identity, and against any temptation to reduce the choices confronting them by denying Jewish tradition its power as an alternative. Judith Hauptman, in a symposium on "Women and Change in Jewish Law," makes it clear that Jewish feminists merely want the right to experience Torah as an arena of self-development. She denies that women want to be like men, but rather share in "study and prayer (which are) two of the most valid Jewish experiences, two of the most spiritual and meaningful too." Jewish women accept the challenge of Jewish choices so long as Judaism itself provides an open arena of choosing.<sup>17</sup>

Ellen Schiff takes this argument one step further. She surveys women in Jewish history and acknowledges the risks that they ran. Disappointments have been as frequent and as real as successes. Yet these risks were taken when the individual strove "to develop as one's own woman."<sup>18</sup>

14. Solomon Schechter, *Studies in Judaism: Second Series* (Philadelphia: Jewish Publication Society of America, 1908), p. 190.

15. Max J. Routtenberg, *Decades of Decision* (New York: Bloch, 1973), p. 97.

16. *Ibid.*, p. 69.

17. Judith Hauptman, "Women and Change in Jewish Law: A Symposium," *Conservative Judaism* XXIX:1 (Fall 1974): 20-21; see the entire discussion, pp. 3-24, and the reactions expressed in following issues.

Within the framework of a modern Judaism the Jewish woman can face those challenges by which she grows as a person. The demand for respect of the law, combined with an equally powerful demand for alternatives and options that make choice real, offers women an arena in which to actualize moral decision-making. Torah, thereby, becomes a vital aspect of self-growth.

Jewish women seek to change Jewish life because they see in the history of Judaism unactualized potential, because, like Hillel, they recognize untapped resources. They stake their claims on their own possibilities as women because they recognize involvement in the process of Judaism as a potential for self-development. Finally, however, women turn to Jewish life and challenge its presuppositions out of love and respect for the possibilities of Jewish religion. The persuasive power of Judaism is at the root of a modern woman's decision to be involved with Judaism at all, to make it a genuine modern option.

### *Torah as a Self-Correcting Dialectic*

Judaism represents such a positive option because its institutions are evolving rather than closed. Hillel had pointed to this possibility when he claimed that the chief principle of Torah was "that which is hateful to you do not do to your neighbor; the rest is commentary: go and learn." Morality is the judge of reality; the process of learning is continual because institutions must be refined through a constant comparison of concrete reality with the moral ideal.

Robert Gordis demonstrates a sensitivity to this element in Judaism when he remarks that, "In a healthy and functioning society, law represents a lower rung of a ladder of which ethics is the highest."<sup>19</sup> Practical implications flow from this principle. No law which contradicts morality can be allowed to stand. As Seymour Siegel affirms, "we cannot sustain the authority of any norm which results in unethical outcomes."<sup>20</sup> The entire development of Judaism seems to demonstrate the workings of this principle. As ideals are applied to progressively changing social realities, Jewish law undergoes change.<sup>21</sup> Jewish law provides a basic structure, a sense

18. Ellen F. Schiff, "Hannah, Jessica, Bessie — and Me?" *Conservative Judaism* XXIX:1 (Fall 1974): 36-41.

19. Robert Gordis, *Love and Sex: A Modern Jewish Perspective* (New York: Farrar, Straus and Giroux, 1978), p. 87.

20. Seymour Siegel's introduction to *Conservative Judaism and Jewish Law*, ed. Seymour Siegel with Elliot Gertel (New York: The Rabbinical Assembly, 1977), xxiii, but contrast David Weiss Halivni, "Can Religious Law be Immoral," in *Perspectives on Jews and Judaism: Essays in Honor of Wolfe Kelman*, ed. Arthur A. Chiel (New York: The Rabbinical Assembly, 1978), pp. 165-170.

21. See the discussion throughout Simon Greenberg, *The Ethical in the Jewish and American Heritage*, Moresheet Series IV (New York: Jewish Theological Seminary, 1977).

of the boundaries of the permissible. Sometimes ethics demands that an individual transcend those boundaries and recreate religious life itself.<sup>22</sup>

The traditional principle *lifnim mishurat ha-din* suggests a precedent for this approach. While Jews were expected to obey the basic precepts of Torah they were encouraged to walk “beyond the narrow line of the law.” The justification for such a demand is a realistic one. Neglect of moral imperatives leads to disaster. Mere adherence to the letter of the law will result in the destruction of Judaism itself. Jerusalem was destroyed because it observed the law too literally; the shopkeepers in Bethany were destroyed three years earlier than were other parts of Jerusalem because they had limited themselves to a rigid adherence to dry legalism (*Baba Mezia* 30b, 88a). An example of walking beyond the narrow line of the law is illustrated by a conversation between Rabbah and Rab (*Baba Mezia* 83a). Although the law allows one to take the cloaks of workmen during the day and to delay payment, neither act is permissible because of the commandment to “walk in the way of good men,” and to “keep the paths of the righteous.” The purpose of obeying the law is that of actualizing our potential for doing good, for becoming righteous. If obedience to rigid legalism prevents this goal then the law itself has been perverted.

The position of women in Judaism has always been a test case for this self-perception. Can a Judaism which ignores the suffering and degradation of women be a model of goodness and morality? Rabbis wrestled with the status of women in marriage, divorce, and abandonment in order to make the specific laws of the tradition more compatible with moral sensibilities.<sup>23</sup> As long as rabbinic authority was strong and power was centralized “these principles did indeed succeed in large measure” but with the collapse of autonomous Jewish authority inequality remained and countless women suffered while “rabbinic courts found themselves utterly helpless.”<sup>24</sup> The moral principle is particularly relevant during times of social and structural crisis when assumed stability is undermined and presumed virtues are revealed as vices.

The problem of the Jewish woman — particularly the abandoned Jewish woman — leads Simon Greenberg to seek out a new “limited area” which will be defined halakhically so as to resolve the issue.<sup>25</sup> More is at stake here than in either of the other two approaches. Greenberg is suggesting a *sociological* innovation: the creation of a new sphere of social space. Whereas the approach of Catholic Israel merely expands the definition of those involved in the Jewish legal process and the approach of creative discontinuity narrows focus to the individual, this approach *restructures* Judaism itself. In the name of the ethical principles of Judaism

22. Ibid., p. 216.

23. Ibid., pp. 161-218, particularly pp. 161-175.

24. Ibid., p. 165.

25. Ibid., p. 218.

the actual institutions and operating principles of Judaism are transformed. Greenberg's actual suggestions may seem limited to many feminists; his proposal is radical for its *method* rather than for its conclusions. Jewish women can strive to create new space for their growing involvement in Jewish life. Institutions like *Ezrat Nashim* grow out of such sociological creativity.<sup>26</sup> The power of the ethical impulse is more than psychological — it implies social transformation as well.

### *The Modern Rejuvenation of Judaism*

The rejuvenation of Judaism consists, we have seen, of three elements, three principles: *Catholic Israel*, symbolized by Hillel's rebuke to those who minimize the authority of rabbinic authority and God's rebuke to Hillel for minimizing the importance of the Jewish people, *Creative Discontinuity*, symbolized by Hillel's revitalization of the psychological value of Torah study through innovative institutions and radical transformations of tradition, and *Self-Correcting Dialectic*, symbolized by Hillel's advocacy of a moral principle beyond any concrete legal injunction. At first glance these principles may appear to be contradictory. On the basis of the first, for example, Jewish women need not challenge Jewish law at all. If Jewish leaders examine their tradition more closely and women accept their obligations more responsibly, problems will be solved. A better understanding of Judaism's view of women as *traditionally* disclosed is needed on both sides. The second principle, however, suggests that a positive attitude towards Judaism is possible only if Jewish law is changed, if the legal status of Jewish women is restructured, if new rituals, practices, and possibilities for Jewish women are created. Many Jewish thinkers, including those who agree that Judaism is self-rejuvenating and some who are cited here, would disagree with such radical moves. The first principle seems irreducibly traditional while the second can be uncompromisingly radical. Mediating between these extremes, the third principle suggests a reconciliation. Torah is self-correcting because Jewish law can be reshaped by Jewish morality. Judaism remains the same, but Jewish legal practice evolves.

A rejuvenated Judaism may be either a radical restructuring of Jewish law or a traditionalistic rethinking of it. Jewish women who seek greater participation in Jewish ritual life must be taken seriously by Jewish leaders and must, themselves, take the authority of Jewish precedent seriously. That may mean striking new pathways in Jewish worship, discovering new opportunities for self-development as a Jew. It may mean altering Jewish law. On the other hand, it may mean finding undeveloped potentials within Judaism itself, exploring the realm *lifnim mishurat ha-din*.

26. Alan Silverstein, "The Evolution of Ezrat Nashim," *Conservative Judaism* XXX:1 (Fall 1975): 45-51.

Such an approach is creative, but traditional. It does not entail moving beyond existing options in Jewish law.

Whether Judaism is rejuvenated in a traditional mode or in a more radical one should not be solved in a broad, all-encompassing manner. Because modern life is pluralistic, individuals develop in contrasting social, intellectual, and psychological ways. A rejuvenated Judaism that appeals only to traditionalists is as limited as one which serves radicals alone. The essence of rejuvenated Judaism is its demand for personal involvement. As Will Herberg pointed out, the Jewish ethic is a call to decision which "comes to us in the midst of life, in the existential context of life."<sup>27</sup> A rejuvenated Judaism may be for some modern Jews — both for men and women — a Judaism which changes no laws, makes no deviation from inherited forms, but which has learned to see these laws and forms anew through applying the insight born of sensitivity to Catholic Israel and the tempering moral awareness of Jewish values which extend beyond the merely legal. For the other modern Jews — again both male and female — the only Judaism which meets the criteria of Jewish ideals and fulfills the needs of Catholic Israel must be created anew each generation by struggling with the raw material of tradition but augmenting and reshaping it. The choice for a rejuvenated Judaism is, thus, neither an exclusively radical nor an exclusively traditional one. The major argument here, in fact, points to this conclusion. Judaism as a religion is, in essence, a process of dynamic growth and rebirth. Whether an individual affirms tradition or searches for radical innovation, Judaism remains a changing, growing, vital entity. Therein lies its secret of survival. Judaism survives because traditionalists no less than radicals are drawn into its creative process and because radicals no less than traditionalists are shaped by its enduring principles. Judaism, whether understood traditionally or from a radical perspective, survives because it is a constantly self-rejuvenated entity vitally recreating itself in the midst of life.

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27. Will Herberg, *Judaism and Modern Man: An Interpretation of Jewish Religion* (New York: Atheneum, 1970), p. 113.

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# *The Forces of Nature, the Forces of Spirit: A Perspective on Judaism*

DAVID W. WEISS

## *An Apposition of Forces*

A CONCEPTION OF NATURE AND ITS FORCES lies at the core of every system of ideas.

The dimensions of nature and of spirit are the existential realms in which all human beings move, by whose rhythms all human beings are stirred. Man the creature shares with other creatures instincts, wants, passions, and terrors, knows pleasure and suffering in the phenomena of nature; he is, in part, captive to the demands of the body. But man is a hybrid, a being also of spirit. He is shaken, too, by powers that he perceives as different from, and larger than, those of nature, and he senses that these endow him with a surpassing value.

Man's dread of his mortality impels him to a recognition of the realm of spirit in the world and in his own fabric. That awareness does not necessarily generate the construct of higher religions. It may be expressed by no more than idiosyncratic stabs at preserving identity in the face of the knowledge of death; it may take grotesque shape in fad, superstition, cult. But however clouded it may be, and whatever its manifestations, the awareness is, for each individual, a powerful reality.

Because both the dominion of nature and the dominion of spirit lay constant claim on human sentience, every ideology must come to grips with their imperatives. The tension of their coexistence is a threat of rending conflict that cannot be evaded. Endeavors at resolution differ categorically, and they are incisively indicative of the total ethos of societies; they are also seminal in the steady unfolding of each culture.

## *Attempts at Resolution*

### Nature Triumphant:

The forces of nature are ascribed preeminence and, more, autonomy. Those of spirit transcendent to nature are denied.

The conception takes various forms. At its most primitive, nature is

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raised to an apotheosis, its divulgements and potencies seen, in themselves, as divine, the Pan of wood and glade, the energies of earth, sea, and sky as theophanies. In more refined formulation, divinity is equated with the diffuse *vis vitae* of the cosmos, the élan that is its animus and quintessential property. Strains of pantheism appear recurrently, in many guises, in widely diverse civilizations. In our period, the suzerainty of nature is affirmed in the adulation of scientific achievement. The scientist-priest aspires to the godhead of power, and salvation lies with the comprehension of nature that leads to its mastery. The elements of mystique with which the approach to this end is invested eloquently recall the celebrations once centered on pagan deities.

The spectrum of this comprehension is thus bounded, on the one end, by frank idolatry — nature-divinity — and on the other by hubris. Common to all these postures is the disavowal of an integrative, superior moral force exceeding the vagaries of natural events and of human capability.

#### Fragmentation:

The forces of nature and the forces of spirit above nature are both validated, and both are assigned degrees of autonomy. They contest with each other and the discord is perceived variously; the image and weight given to each force-dimension differ, but there is a prevailing commonality: a diffraction of authority.

In one version, the force of “spirit” proposed is amorphous, its only discernible attribute being the imposition of a measure of order on the universe. Where it impels order, this god-force of the philosophers acts to no moral end or purpose. Parallel with this authority are arrayed autonomous realms into which order has not penetrated, latitudes of remaining chaos, randomness and chance. In these regions the soothsayer reigns and the horoscope is their liturgy.

In another version, there is submitted the authority of a spirit-entity to which tangible qualities are imputed, a sovereign god, but one whose magistracy is truncated. Against this sovereignty stand others, also embodied with cognate attributes, a pantheon of fractional authorities, shadowy god-incarnations of natural phenomena and of human impulse — Muses and Graces; personifications of the demonic — invested with limited powers, in disharmony with each other and with the central throne.

By whatever discernment, the forces of divinity and of nature are irreconcilable. Majesty is splintered, dualities of service are imposed, and ethics held subordinate to the relative, fluctuating strengths of the authority protagonists. Man must pay dues to many caesars.

#### Retreat:

The forces of nature are silenced, their impact on body and mind suppressed. For fear lest nature challenge the precedence of the spiritual,

its demands on man are stripped of legitimacy, despised, demonized, and shut out.

Hostility to the energies of nature has been a dominant strain in Western asceticism. It is evident in the efforts of the early Church to attenuate spontaneity in ritual and celebration, to turn the faithful away from the cadences of the flesh and the world. Christianity's struggle against modern science is, in effect, a combat against preoccupation with the outlawed dimension of anti-spirit. The passions with which theories of spontaneous generation of life were defended and, later, "Darwinism" was opposed, were evoked by far more than antipathy to seemingly unorthodox interpretations of particular findings; they are the fervent attempts of a creed to banish in their entirety forces that cannot, in fact, be withstood. The attempts are labored. They cannot but fail and, in failing, they jeopardize that which is defended.

Enmity to nature brings in its wake, too, a renunciation of the intellect, of inquiry, of the aesthetic. The exhortation is to a pervasive passivity and, ultimately, to a striving, as in 17th Century Quietism, for self-annihilation of man the creature.

The common element in these approaches is dissonance, the attempt to silence one or the other of the voices that speak to man. The attitudes engendered are, in consequence, anti-humanistic. Suppression of the physical, of the nature-being of man, breeds contempt for his material welfare; conformity to abstract ideologies becomes the criterion of good in society and human suffering recedes to inconsequence. On the other hand, suppression of the spirit gives birth to hedonism, and that, ultimately, to self-contempt and to insensibility to any human condition not immediately relevant to the self. The imputation of concurrent, rival forces dooms man to incessant denial and to culpability in face of the exactions of the one or the other.

#### Unity:

Still another formulation is possible, in stark contrast to the systems of mistaken polarization: Belief — radical, uncompromising — in the unity of all the forces that be and that impinge on man's consciousness. That is the contribution of Judaism.

Judaism affirms a single, indivisible force of spirit in the cosmos, that of the one Deity, omnipotent, omniscient and omnipresent. All energies of nature are manifestations of the means by which the only God orders the universe permeated by His Being. The forces of nature are acknowledged as powerfully real, indeed, but they are denied all autonomy. There is only one, embracing authority, multifaceted and multisplendored in disclosure, but a oneness.

That one authority is illimitably concerned with man. The inception of the world, as well as its surveillance, have a purpose: they are the compassionate concern of a God whose essence is perceived unwaveringly —

for all the agonizing enigma of human suffering — as mercy. The Jew has addressed God simultaneously as *Ribbono Shel Olam* — Master of the Universe — and as *El Male Rahamim* — God Replete with Mercy. “God foresaw that Israel would accept the Torah, for had it not been so, He would not have created the world.”<sup>1</sup> The cognomens of Torah are *Rahmanah* — the Merciful — and *Oraitnah* — Light. The Talmud considers the question of God’s preoccupations:

The day consists of twelve hours. During the first three hours, the Holy One, Blessed be He, occupies Himself with the Torah. During the second three, He sits in judgment on the whole world. When He sees that the world is so guilty as to deserve destruction, He transfers Himself from the seat of Justice to the seat of Mercy. During the third quarter, He feeds the whole world, from the horned buffalo to the brood of vermin . . .<sup>2</sup>

### *Integration — A Rabbinic Locution*

The sweeping integration of Judaism is epitomized in the solution offered by a recent rabbinic scholar to a perplexing Talmudic aphorism.

Rabbi Jose said: May my portion (in the world to come) be of those who recite the entire *Hallel* (Psalms 113-118) every day! But that is not so, for a Master said: He who reads *Hallel* every day blasphemes and reproaches (the Divine Name) — We refer to the “Verses of Song” (Psalms 145-150).<sup>3</sup>

The idea is astounding. Eternal life is held out as the reward for including one set of Psalms in daily devotion, while blasphemy is ascribed to the daily recitation of another. The particular Virtue of Psalm 145 is also avowed elsewhere in Talmud.<sup>4</sup>

Drawing on earlier Judaic thinkers, especially Nahmanides, Meir Simḥah Hakohen of Dvinsk (1843-1926) suggests an interpretation that may be considered typical of mainstream rabbinic thought:

God created the universe to function by the laws of nature which is the daughter of God. Every event of nature can be of the greatest blessing, only man must recognize in all that befalls him the divine supervision over every individual. Nature itself is a never-ceasing miracle, even though the eye of the beholder becomes inured to the miraculous. When man, in his dimension, walks in the ways of God . . . then the laws of heaven and earth, in their dimension, fulfill themselves to his good. For the divine wisdom has subordinated all the workings of nature to the realm of Torah and commandments. (What passes for extranatural) miracle is there only to hold man back from indifference, from the error of divorcing nature from its Creator and Master and believing it to have independent existence. Such a miracle is of no significance; its place is only to arouse the hearts of men to the wondrous works of the Creator *in* nature, which is His pure hand and instrument. And, therefore, whoever recites the great *Hallel* daily, inferring that praise is due only for the extraordinary, but that the workings of nature

1. Exodus *Rabbah*, Chapter XL/1.

2. *Avodah Zarah*, 3b.

3. *Shabbat*, 118b.

4. *Berakhot*, 4b.

are not constantly renewed creation, he blasphemes and reproaches! But he who offers the "Praise of David" (Psalm 145) each day, which declares the wondrous order of nature at every moment, is assured a share in the world to come . . . For what is truly wondrous is the harmony of nature, that by its ways there is provided each and every day sustenance to countless multitudes of creatures . . .<sup>5</sup>

A lineage of significance is clearly affirmed in this attitude. God reigns, totally. Nature is no more than the manifestation of His rule on earth, bounded by the framework of His Law. His pure hand, or "daughter," nature, is in itself, in all its phenomena, miraculous; its forces are wholly sufficient for the working out of God's designs and for the realization of human striving in the mesh of Torah. There is neither need nor room for the *deus ex machina* of extranatural miracle in a cosmos in which everything derives from a supernatural force — God — whose jurisdiction is unlimited. God, and man, His partner in the perfection of the world, sanctify<sup>6</sup>; nothing else in creation has independent sanctity.

What appears to man as extraordinary — the "miraculous" occurrence that seemingly defies natural process — serves, essentially, as a call to focus back on the network of *daily* miracle. More than that, the Rabbis took care to place even the most prodigious happenings within the contours of divine creation *ex nihilo*:

Ten things were created on the eve of Sabbath in the twilight: the mouth of the earth (which engulfed Korah and his cohorts); the mouth of the well (which accompanied Israel in its wilderness wanderings); the mouth of the ass (which spoke to Balaam); the rainbow (symbol of God's covenant after the Flood); the manna (which sustained Israel in the desert); the rod of Moses; the Shamir (a wondrous worm capable of splitting rock, for building of the Temple's altar); the writing on the tablets (of the Law); the instrument of writing, and the tablets of stone. Some say (also) the destroying spirits (demonic impulses), and the sepulchre of Moses, and the ram of Abraham our father (suddenly espied by Abraham as substitute sacrifice) . . .<sup>7</sup>

Nothing, not even what is most amazing in Biblical narrative, is beyond the scope of the one Creator's creation. If there are, indeed, rare exceptions to natural law, they still fall within the scope of the ordained order of things as part of a master-plan<sup>8</sup> — and many of the Rabbinic lawmakers and commentators held that accounts of the startling should be taken allegorically. The truly miraculous lies in the purposeful coming-together of events, each of which obeys, individually, the natural laws of cause and effect: it is a strong wind which parts the sea as Israel must escape across it, a strong wind that brings back the flood on the pursuing Egyptians. In the

5. Meir Simḥah Hakohen of Dvinsk, *Meshekh Hōkhmah*, on Leviticus 26:3.

6. Meir Simḥah Hakohen of Dvinsk, *Meshekh Hōkhmah*, on Exodus 19:13.

7. Mishnah *Avot*, 5/9.

8. David W. Weiss, "Judaism and Evolutionary Hypotheses in Biology: Reflections on Judaism by a Jewish scientist," *Tradition*, XIX, 1 (1981): 3-27.

salvational concatenation man rightly perceives miracle, the co-incidence far removed from happenstance.

This view of nature and miracle is crucial to the construct of Judaism. Invocation of the autonomous supernatural is, indeed, convenient, an escape route from the unrelenting Oneness in the universe, but it is incompatible with “there is none else beside Him”<sup>9</sup> and is destructive of a radical monotheism. For a God whose jurisdiction knows no boundary, the hornet, locust, canker-worm, and caterpillar are quite adequate tools to the conduct of the world;<sup>10</sup> only a restricted deity, imagined in the confines of human intellect, must resort to others.

In normative Judaic thought there is, in fact, a reversal of what is considered “natural” and “miraculous” in other cultures. A passage in Nahmanide’s commentary on Torah is emblematic:

... He appeared to the patriarchs by this name ... working great miracles for them, but from which the natural order of the world was not suspended. In famine He redeemed them from death, in war from the power of the sword, and He gave them wealth, honor, and goodness. As with all the assurances of the Torah for blessing and for affliction, good does not befall man as reward for the fulfillment of a commandment, nor evil as punishment for transgression, but it is miracle. Were man left to his nature or fortune, his deeds would neither add to his merit nor detract. Rather, the reward and punishment in this world that are held out by Torah are all miracles, but they are hidden. They appear to the beholder as being in the natural order of things, when they are, in truth, man’s due recompense. It is for this reason that Torah deals at great length with the assurances pertaining to this world and does not specify its assurances to the soul in the world of souls; for these (the assurances stated by Torah of recompense in the material world) are wonders contrary to nature (i.e., contrary to mere chance — Nahmanides on Genesis 46/15: “It is not by nature that the heavens become as iron but because we have sowed our fields in the sabbatical year ...”), whereas the existence of the soul and its cleaving to God are the essence of *its* nature, the soul returning to God who gave her ...<sup>11</sup>

The wonder of moral order in the material world is concealed. To the undiscerning observer, the transactions of nature and what befalls man in nature are at random. Torah teaches, at length, that they are not. In its purview, God, nature, the wondrous, and human significance are brought together. Because the being of the soul and its return to its maker are self-evident truth, Torah can be reserved in its detailing. What Torah stresses is that which might be mistaken for fortuity, not that in which God’s presence is so clear. Man has no call, then, to dwell on the metaphysical. What he must do, instead, is penetrate indifference, and strive for awareness of the miraculous, God, in nature.

9. Deuteronomy 4:39.

10. Joel 2:25; Exodus 23:28.

11. Nahmanides, *Commentary on the Torah*, on Exodus 6:2.

*Premises and Consequences*

From this vantage point — the integrative assessment of nature and spirit — a sweeping perspective of normative Judaism can be gained. Its capacity to effect the resolution brings into relief its underlying principles and advances the reach of its multifaceted ethic.

Immanence in Creation and the Way of Sanctity:

There is a distinct inclination to take literally the immanence of the divine in nature. The words with which the universe was formed from nought remain forever resident in all that is; they invest every creation, the still and the animate, with a sustaining quality of spirit. Were the divine letters to leave their ubiquitous placing in the cosmos for but a moment, returning to their source, primordial chaos would again prevail.<sup>12</sup> In this light, all creation is seen not only as indivisibly endowed with the import of sanctity but also with the timeless potential for transcendence. The idea complements the tenet of a God concerned with the world that He fills.

Declaration of His constant attendance is exigent for a humanity whose memories and faiths are short. Lest we forget, we echo this affirmation in the daily cycle of prayer. Morning and evening, God is approached first as Lord of nature, all created things declaring His glory,<sup>13</sup> and only then as God of the Nation, the Fathers, the individual. The blessings that frame the confession of the *Sh'ma* — “Hear O Israel, the Lord Our God, the Lord is One” — at the start of the day and the coming of night affirm that the world is continuously renewed, that the interjection of the divine into the material is abiding.

Man need not, then, launch his pursuits for closeness to his Maker in recondite realms. There is, indeed, a strong tendency in Judaism to interdict such journeys. God is The Place, all places; man is to discover Him and serve Him within the fabric of his physical being, his society, and the world over which he is given a measure of dominion. In the *imitatio dei* of the Law, the Jew is constrained to see himself as partner in creation, not merely its steward, his function being the perfection, in compassion, of the world that is daily renewed in compassion.

Therefore, the forces of nature need not be shut out, nor should the passions of man. Rather, they must be sanctified, and then every human function, every response to the rhythms of nature, can become a vehicle of grace. Judaism depolarizes. The mundane nature-cast of man can be a matrix of holiness; the formally numinous is relaxed, humanized. God

12. Shneur Zalman of Liadi, *Likutei Amarim—Taniah, Sha'ar Hayihud Ve'Haemunah*, Chapter 1.

13. *Perek Shirah*, the prolegomenon to the daily morning service, found in some editions of the *Siddur*. For the origin and nature of this tract of hymnic sayings, see *Encyclopedia Judaica*, Vol. 13, pp. 273-275.

can be served as much, or more, at the table and in the conjugal bed, at study and labor, in talk, song, and dance, as through the forms of conventional religiosity.

Three partners share in the making of man: his biological parents from whom come his tissues and God who provides the soul.<sup>14</sup> Man is a hybrid existing in a universe effulgent with God's glory. The integration of the divine and the material in and about man is at the source of Judaism's emphasis on the material world, its unequivocal commitment to the infinite value of individual human life, and its insistence that man can approach God only by way of compassion in his active involvement with all creation: "Better is one hour of repentance and good deeds in this world than the whole life of the world to come . . ."<sup>15</sup>

#### Sensitivity to All That Is: The Value Imprint of Halakhah:

There is, in some ideologies, a peculiar egalitarianism of worth, extending over the range of living things and at times encompassing even the inanimate. In certain Eastern religions, discrimination between the value of a human life and that of a monkey, cow, or insect is, at best, tenuous. In many Western societies, the intense affection for animals, plants and the outdoors borders on the cultish, and holds the uneasy suggestion of indifference to other human beings.

In other conceptions, the love of mankind is, indeed, held to be the highest virtue, but pathways to the ideal are not delineated. It is an un instructed love, distant, a mystery whose attainment is not truly expected. Not so Judaism. Its values are hierarchical. Everything in man's purview is permeated with the manifestation of divinity, everything has an inner dignity and significance. But at the top of the value ladder stands the inviolability of human life and of human dignity. And Judaism does expect satisfaction of its demands. The goals are not beyond human capability, not far away in the heavens nor beyond the sea. They are in the immediate grasp of man, to be done.<sup>16</sup>

This confidence springs from the unique construct given to the law of Judaism by its philosophy of nature. Judaism's sacred jurisdiction — *halakhah* — fuses into an equivalence of religious significance what is elsewhere separated into spheres of the "holy" and the "profane".<sup>17</sup> No human transaction or experience is indifferent. There is holiness in the process toward high objectives, not only in the final destination. It is because the opportunity for transcendence is encountered at every step in the walking, the small aim as well as the large one, that *halakhah* can serve

14. *Niddah*, 31a.

15. *Mishnah Avot*, 4/22.

16. Deuteronomy 30: 11-14.

17. David W. Weiss, "Reflections on the Law of the Rabbis: Matrices and Dimensions," *Tradition*, XX, 3 (Fall, 1982): 205-227. This is the first of a series of three articles. The others are in successive issues.



realistically as a training ground for sensitivity. *Halakhah* is concerned no less with the pedestrian than with what passes for ceremony; it spins celebration from the threads of daily living. The Jew is impelled to walk all his ways in *imitatio dei*; his ladder to heaven is grounded not in metaphysical contemplation, but rather in the actions of the hour. He is given no respite. He may not have to complete the task, but neither may he desist from it.<sup>18</sup> Prompted throughout the hours of his day by the imperative to consummate his nearly unlimited potential in a world full of possibilities, the Jew may never be complacent. His reward on earth is, rather, a glowing, impatient vitality; no assignment set by Judaism is beyond his scope.

The training to sensitivity is pervasive in *halakhah*, conferring dignity on all things. The earth itself is personalized; it, too, deserves its sabbaths. It is the land that, in revulsion, shall vomit out a People of Israel that follows in the abominations of the prior inhabitants. Wanton destruction of any thing is forbidden. There is a respect for the essence, the uniqueness, of things: there is no mixing of different stuffs in the making of cloths, nor of plants in the field, nor of animals under the same yoke. The *hallot* are covered on Friday night, as are the *mazot* on the *seder* eve, while *kiddush* is recited over wine so that the one is not shamed by the ignoring while the other is raised in benediction. On *Simḥat Torah* no Scroll of the Law may be left standing in the ark while the others are lifted in dance.

No suffering may be inflicted on an animal. Of the seven basic moral laws to which *all* mankind is bound, one is not to partake of the flesh of a living creature. For the Jew, the law is more demanding. He must limit the dominion given to man over the physical world by his own sensitivity: not everything that flies and flutters, swims, crawls, or walks is for his consumption. And when he does kill to eat, he is constrained. The slaughtering must be humane, by a person known for his kindness. The blood of the beast is covered, for it symbolizes its life. The Jew voluntarily refrains from creative acts on Sabbath and Holydays. Not everything in his strength is permitted to him.

Concern with other human beings begins with parents and family, and is extended outwards in ever-widening circles. The poor of one's own community have first call on charity, but then not even the heathen stranger may be barred from gleaning after the harvest. It is only in the course of imprinting the sense of fragility and preciousness of life that man can be brought, ultimately, to recoil from violence to any human being, no matter how strange or alien, and to a sense of shared pain with the misery of others. And it is perhaps only out of *halakhah's* insistence on the sanctity of all creation that man can perceive the image of the Creator on his fellows, and thereby come close to perceiving the source of sanctity in the world:

R. Huna and R. Jeremiah said in the name of R. Ḥiyya b. Abba.: It is written

18. Mishnah *Avot*, 2/21.

"They have forsaken me and have not kept My law" (Jeremiah 16:11) — Would that they had forsaken Me but kept My law, since by occupying themselves therewith, the light which it contains would have led them back to the right path . . .<sup>19</sup>

### Security and Inquiry:

The only fear which the Jew need know in nature, that is the hand of God, is fear of God. There is no other power to be reckoned with; nothing that befalls him is fortuitous — "No man bruises his finger here on earth but it was so decreed above."<sup>20</sup> The ways of God are often inexplicable; Judaism offers no facile solution to the agonizing problems of seeming injustice and evil in the world, but insists, uncompromisingly, that the fate of man is not at random. That is a unifying theme of Scriptural narrative. The individual is not relieved of the challenge of defining for himself a measure of meaning to his existence. The assurance that is firmly held out to him is that *there is* meaning. There is no "randomness" in nature in the sense of chance disconnected from the will and potency of God to act, no "determinism" in the sense of a natural order autonomous of Divine intent.<sup>21</sup>

Release from the vagaries of luck and accident and subsidiary powers in the world confers a sense of security. For all the pain and confusion of the human situation, there is the knowledge that all occurrence is subsumed within a single scheme over which the Master of the Universe prevails. That knowledge liberates. With it, man can step into the world which it is his duty to perfect, unhampered by forbidden mysteries. And he is free to explore.

Study, for the Jew, holds no risk of stripping away veils that conceal a counter-authority, other gods, seductive pipers. Neither does the God of Israel lurk in hidden recesses of the unknown, His stature diminished by knowledge. The principles that we recognize as the laws of nature do not explain all natural phenomena, but God is more evident to man as the agency of that which follows cognate laws of cause and effect than as the agency of that which remains scientifically unintelligible. Science does not address itself to questions of ultimate beginnings, the origin of elemental properties, or purpose in creation, but it makes plain the complexities and beauties of the natural order and as that perception deepens, so does the sense of awe. The study of nature can neither prove nor disprove divinity; that is not the dimension in which scientific investigation transpires. But all knowledge, and certainly that of the material world, can be, for the Jew, a buttressing of faith, not a religious trespass. Over the lectern of traditional synagogues are written the words: Know Before Whom You

19. *Lamentations Rabbah*, Proems.

20. *Hullin* 7b.

21. David W. Weiss, "Randomness and Determinism in Nature: Language and Perspectives," *Tradition*, XX, 2 (1982): 101-105.

Stand. An ignoramus cannot be righteous.<sup>22</sup> There is a salient confidence in the very process of learning. The methodology of talmudic and post-talmudic elaboration of the Law is investigative, incisive, dialectic. The Sages render opposing decisions in struggling to perceive the Law correctly and a voice from heaven declares: These and these, too, are the words of the living God!<sup>23</sup> And Maimonides concludes his Book of Knowledge with an advocacy wholly representative of the Judaic ethos:

A person ought therefore to devote himself to the understanding and comprehension of those sciences and studies which will inform him concerning his Master, as far as it lies in human faculties to understand and comprehend . . .<sup>24</sup>

It is out of the ease that the Jew knows in nature, out of the inquisitiveness incumbent on him, out of his unrelenting engagement with the world that there evolves his inherent optimism and his emphasis on the Now. In essence, he must ask: What, in this hour, can I, a creature of God in a world empty of all but God and man, accomplish, to string pearls of light for the delight of heaven?<sup>25</sup>

Judaism's founders held every form and manifestation of nature worship in implacable enmity. They saw in it a denial of monotheism, a fragmentation of the great unity which underlies the world. Their battle against idolatry is the forge in which, in its entirety, the Judaic ethos was cast.

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22. Mishnah *Avot*, 2/6.

23. *Eruvin*, 13b.

24. Maimonides, *Mishneh Torah*, Book of Knowledge, Chapter X.

25. Yom Kippur sermon on the Rebbe of Ger, in M. Buber, *Tales of the Hasidim. Later Masters* (New York: Schocken, 1948), pp. 306-307.

# Reversing the Order

HOWARD SCHWARTZ

ONE NIGHT REB SHIMON DREAMED THAT TIME moved backwards. Everything reversed its order, pulling him inexorably along. Soon the sun that had just set rose up in the West, and the light that had been banished was restored. And Shimon felt that he was being drawn upwards towards that sun like a moth into a flame. Just as he was about to be swept into the red eye of the sun, he awoke.

Still disoriented, as if he were lost in a wilderness, Shimon hurried to the *Beit Kneset* to share his dream with Reb Nachman. As soon as Reb Nachman saw his face, he knew that something momentuous was about to take place. When Shimon related his dream, in which everything had moved backwards, the mystery suddenly became clear to Reb Nachman, and he embraced Shimon and then hurried to the *bimah* to begin the morning prayers. But instead of starting with the first prayer, Reb Nachman began with the mourner's *Kaddish*. The Hasidim were startled and mystified by this, for Reb Nachman had said nothing about it, and none of them had ever heard of such a thing being done.

When the mourner's *Kaddish* had been said, Reb Nachman began to chant *Alenu*, the final prayer of the service. And again the Hasidim joined him with disbelief, and in this way he led them backwards through the morning service, from the last prayer to the first. Even though they were greatly mystified, all of the Hasidim joined in this strange service, for above all they were loyal and true to Reb Nachman and knew he would not lead them astray.

As for Shimon, the order of the service did not seem as strange to him, for the dream in which time had moved backward still cast its spell on him, and he found the order strangely natural. At the same time, however, the sense of being inexorably pulled towards the unknown became even stronger. Suddenly the sensation was overwhelming, and Shimon felt like a leaf being pulled into the depths of a whirlpool, and at that moment he had a vision in which he saw himself swept into the eye of the sun, merging for a moment of death into the memory of an infant sun, tail of a comet, breath drawn back and forth through countless stars. And from a very high place Shimon looked down at the husk of his body, and came to know with certainty which part of him would pass away and which part was eternal.

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An instant later Reb Shimon's soul was restored to his body; and he found himself standing in the *Beit Knesset*, where Reb Nachman was still leading the prayers. And although he had his soul back, still it seemed to be drawn upward, as if it were hovering slightly above the ground. It was at that moment that Reb Nachman reached the beginning of the backwards service, and without hesitating proceeded to repeat it, this time in the proper order. Still mystified, the Hasidim joined in the prayers until the service reached its natural conclusion.

When the final *Kaddish* had again been said, and the service had truly come full circle, Reb Nachman hurried to Reb Shimon, and put his arm around him. Shimon felt light and dizzy, but his soul no longer seemed to tug upward, and his feet were firmly planted on the ground. And from out of the fog that surrounded him, he heard Reb Nachman say: "While you told me your dream, Shimon, I saw the *Shekhinah* hovering in your presence, waiting to kiss you. Now the kiss of the *Shekhinah* is the greatest possible blessing, but it is so powerful and all-consuming that Moses and other sages departed from this world in that way." By then all of the other Hasidim had gathered around Reb Nachman, listening intently to all that he said, for at last the mystery was beginning to unravel. And Reb Nachman said to Shimon, knowing that all of the others heard him as well: "That is why I first led the service backward, in order to guide you into that divine embrace. And that is why I immediately repeated it in the proper order once we had reached the beginning, in order to lead you back to this world, and assist you in completing the transition from the world above to the world below. Yet the kiss of the *Shekhinah* still clings to you." And when Reb Nachman said this, all of the Hasidim looked closely at Reb Shimon and saw that his face was surrounded with a ghostly aura. And then they understood for the first time how blessed is one who is sheltered in the embrace of the Divine Presence.

## ***Let Us Make Man***

**DAVID SPARENBERG**

I am a mortal.  
I am a shard  
in the refractory sunlight.  
I am a mortal.  
I am a pot  
under the world's heels.  
I am a mortal,  
a piece of the broken earth,  
wounded by the wayside.

He who repairs the moon  
after her monthly cycles,  
looks at a man,  
looks into his eyes.

He who heals the bruise  
of the broken apple,  
on the rose's fringe,  
in the boughs of the cherry  
when the cherries hang ripe,  
heals the heart of contrition.

Then,  
when the song of the robin is heard  
in the clouds,  
then when the cry of the larva  
pierces the air, ruptures the wind,  
as the ecstasy of transfiguration  
pierces its body,  
I will be heard. I will be heard.  
I will be whole.

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# *The Time for Ideology is Over*

*Review-Essay* by DANIEL JEREMY SILVER

*The Making of Modern Zionism.* By SHLOMO AVINERI. New York. Basic Books, 1981. \$14.95.

*Zionism, The Formative Years.* By DAVID VITAL. Oxford. Oxford University Press, 1982. 450 pp. \$29.95.

*Between Right and Right.* By A. B. YEHOSHUA. New York. Doubleday, 1981. 224 pp. \$11.95.

MANY MOONS AGO THE EDITORS OF *JUDAISM* sent me three books on Zionism: Shlomo Avineri's *The Making of Modern Zionism*, David Vital's *Zionism, The Formative Years* and A. B. Yehoshua's *Between Right and Right*, and asked for a joint review. This piece is an explanation of my delay as much as the requested thematic review.

All three of the books deserve consideration. Avineri, as was to be expected, has produced a well-written intellectual history of Zionist thought, from Hess to Ben Gurion, which will be particularly appreciated by those who share his Labor Zionism's philosophy and values. He describes Zionism as a broad gauge liberation movement whose major purpose was/is to effect the cultural and spiritual transformation of the Jewish people. Statehood is a means, not an end. While I was not particularly convinced by his inclusion of Krochmal and Graetz as precursors of Zionist theory — their ideas are analyzed in the opening two chapters — his book will serve many as a useful introduction to this ideological world and will be enjoyed by all who are predisposed to see Zionism as a wholly positive and distinctively humane movement.

David Vital's *Zionism, The Formative Years* is an academic book, a well-documented, carefully researched history of the movement during the Herzl years. It is the sequel to his earlier *Origin of Zionism* and, like it, a meticulous text, particularly illuminating on the conflicts between ideology and practical politics which fueled the major debates of the early Congresses.

Yehoshua's *Between Right and Right* is the most original of the three works. A fine novelist has let loose his powerful imagination on Zionism's basic themes and the result is an intriguing and idiosyncratic reposi-

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tioning of familiar ideas. Contrary to the accepted analysis, Yehoshua argues that the *golah* was voluntarily begun and has been voluntarily maintained. Why? Because it spares Jews the necessity of resolving the *halakhah*'s inherently undemocratic assumption of the propriety of a synagogue-state. In a Jewish state, those who define orthodoxy must insist on having their way, while, in the *golah*, pluralistic tendencies can be accepted because of the state's *force majeure*. The *golah* also conveniently provides the Jew with the proof he seeks that he is, indeed, different, chosen. The diaspora Jew is visibly different from his host community and acknowledged to be so by everyone. Jewish differences are less striking in a Jewish state since every national culture is distinct. Zionism, to Yehoshua, is a movement which proposes to end the false and superficial distinctions which the *golah* perpetuates and to substitute, instead, the natural distinctions of an authentic and healthy society.

Several years ago I spent a wonderful afternoon on the patio of the Dan Carmel Hotel arguing with this master mythmaker about his special way of defending Ben Gurion's familiar insistence on *shelilat ha-golah*. Yehoshua's intensity is compelling; and, fortunately, his nationalism is humane rather than chauvinist: "We want to improve the substance and quality of our life just as any other people does, not because we have to prove our moral superiority to anyone or to justify our existence to anyone, but simply because we want to live better" (p. 63).

When I sat down to these volumes I found each of them worth the reading, so I had to ask myself why I had put off the assignment. Was it Lebanon and some unconscious need to distance myself from a tarnished dream? I don't think so. Though I question the appropriateness of some of Israel's strategic decisions and am unsympathetic to all the attitudes which underlie Greater Israel rhetoric, I did not react in horror to the invasion and its aftermath. Given the persistence of Arab terrorism and their unremitting policy of permanent siege I accept, albeit unhappily, the propriety of military response, and I reject, albeit uneasily, the thesis that Israel must act in all situations by what Americans consider "reasonable" standards. Israel does not have America's power or prosperity. As one who has accepted the lesson of Auschwitz — man's infinite capacity for inhuman behavior — reasonableness is not, for me, an unquestioned moral yardstick. In the unreasonable world of Near Eastern politics, policies based on the assumption that the other side will accept a "reasonable" compromise are suicidally romantic. In that world most will simply take all that they can today so that they can take more tomorrow.

My paralysis, I have come to understand, derives from other sources. In part, I've become bored by books on Zionism, Zionist theory and Zionist history. The same ground is being plowed over and over again. Too little remains to be said and too few new issues are being raised. It is not that the last word has been written on the early Zionist thinkers or history, but that most of what our generation will find there has been found.

But boredom is not the whole of it. My feling fell into focus several weeks ago as I read an interview conducted by an editor of *Prooftexts* with Amos Oz (September '82). Asked about Mrs. Kipnes, the immature mother in *The Hill of Evil Counsel*, Oz explains her unworldly personality by saying,

I think one of the ironies of the period, and this I try to express in *The Hill of Evil Counsel*, is that everyone, by having a too literal concept of what Zionism should be — a paradise on earth, place of the Messiah, redemption, universal redemption — was doomed to become a traitor, a life-denier. It's not only Mrs. Kipnes but each and everyone of the characters, including the heated crazy fanatics, each of those is a potential traitor and a self-denier. None of those would accept anything but the coming of the Messiah.

That's it. To survive, Mrs. Kipnes must face the practical everyday problems of a life which does not match the daydreams of her childhood. She must cope. She must compromise, and since she lacks the will to do so, she runs away with an English womanizer. The old standards were too pure, too demanding for her — and us. Most people, Oz insists, lack the mental toughness to compromise their dreams or to adjust their ideologies to practical realities so that they can be satisfied with the few pleasures and limited accomplishment that life allows us.

Ideologies are necessary tools during the state-making process, but, once independence has been achieved, once we must take responsibility for the thousand details of administering a society, an ideological perspective tends to demean practical administrative decisions, the inevitable half-a-loaf programs. They make us dissatisfied with anything less than the realization of all our dreams. People simply have too many contradictory sides and needs to be satisfied with the best-intended pragmatic decisions of even the best-intentioned government.

Since 1948, Israel's citizens have had to face a wide range of new issues: how to maintain a sense of their humanity under siege; how to remain an open, pluralistic society, yet be a Jewish state; how to adjust individual and class needs to those of the whole community in a way which seems just and, at the same time, promotes economic progress; how to educate children of various backgrounds, emotional needs and talents without losing a sense of common purpose. Ideological Zionism never addressed these issues; it's a vision, not a detailed social program. The same is true of pre-state Zionist ideology insofar as it dealt with relations between Israel and the diaspora. Ben Gurion had a simple solution: no diaspora. But the diaspora has not disappeared and will not, and the complex reality of our relationships is far more tangled and inconclusive than Aḥad Ha-Am or anyone else imagined. We may be one — Israelis and American Jews share many traditions — but we are not the same inside. Prosperity has gentled and softened most American Jews. Austerity has toughened most Israelis. Israelis cannot escape the responsibilities and consequences of power, but in the diaspora we can still enjoy holding

forth prophetically on social issues with the abandon permitted only to a powerless community. Israelis know that peace must be won at gun point as well as through negotiations. The diaspora prefers to think only of Camp David and the Reagan Plan.

A city which has to collect its garbage and a country which has to manage a formidable foreign debt can live for a dream but not in a dream. There are *yordim* because there are always among us Mrs. Kipneses who run away from reality. The kibbutz could not remain the simple Tolstoyan society that Gordon espoused and a developing and defense-burdened society cannot supply to its citizens the luxuries that diaspora Jews enjoy.

I respond to Yehoshua's call for an ideological freeze in Israel, but I would enlarge his plea to cover all of world Jewry. He says that our people are straight-jacketed by the traditional mission of Israel theology. I disagree. Our religious tradition is blessedly vague when it comes to defining God's purposes or our mission. Judaism is, after all, remarkably reticent about publishing political and economic manifestos. Those are the kinds of programs we leave to God. For the most part, the rabbis eschewed ethical manifestos and concentrated, instead, on preparing responsa dealing with individual cases even as the Biblical editors canonized the book of Proverbs side by side with the Prophets.

Ideology, not theology, is the culprit. In the early part of this century the sacralization of Emancipation ideology misled thousands. The state said: "to the Jew as Frenchman everything, to the Jew as Jew nothing," and many became Frenchman of Mosaic persuasion, the non-Jewish Jew. More recently, Zionist ideology is the culprit. The Zionist said: "Israel must be and it must be Zion," and many found they could not live in an Israel which was not yet Zion.

Why make such a fuss about a few more books on Zionism? The books were never the issue. They are good books. It's simply that feelings towards this assignment forced me to confront other feelings that have long troubled me. In recent months I have noticed that in my community it is the Zionist ideologues who are having the most trouble accepting Israel as she is. I have a friend who shares Avineri's vision. He grew up in Habonim and has spent as much time in Jerusalem as in his university town. Today he is angry, bitter and intemperate. He calls Begin all kinds of names. When we talk, I find that I share many of his criticisms of this government's high-handedness on the West Bank, but that I do not share the anger which brings intemperate labels to his lips. Prime Minister Begin has used force and he has given back the Sinai. He has dismissed Arab mayors on the West Bank and ordered the removal of Gush squatters in Yamit. He has used power — sometimes crudely; but if Israel were to renounce power she would be courting suicide, and suicide offends every stricture of our law.

There is a time to be an ideologue and a time to put ideology aside. That time has come. Zionist ideology created a state and, in many ways, is

now tearing it apart. Much of the bitterness of Israel politics is due to the ideological basis of local politics. Ideologues consider opposition to be heresy rather than simply bad judgment and do not easily compromise; yet, compromise is essential to political life in a free society. The time has come to let the spirit of the Jewish people freely express itself. Like Yehoshua, I believe in the power of the human spirit, and I particularly trust the decent instincts of the Jewish people, conditioned by the ingrained ethical messianism of the tradition, to find its way through the tangle of problems which confront us.

## *A Blessing*

ISRAEL A. BEN-YOSEF

The serpents of silence  
coil around.

Cloud or cliff?

The ring of darkness tightens.  
The sinews of the gorge contract,  
twin cliffs,  
split with pain,  
till the day breaks.

Jacob slowly succumbs  
Israel limps and ascends.

In the heart of the world refined by the night  
Israel  
walks with measured step  
behind him the hush of a wonder  
before him the curse of a blessing.

*(Translated from the Hebrew by R. Mann)*

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ISRAEL A. BEN-YOSEF is a senior lecturer, department of Semitics, University of South Africa.



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## Timerman Again!

*The Longest War: Israel in Lebanon.* By JACOB TIMERMAN. New York. Alfred A. Knopf, 1982. 167 pp., \$11.95.

*Reviewed by* HENRY I. SOBEL

JACOB TIMERMAN is back again! The former Buenos Aires newspaper editor who was jailed and harassed by the Argentine military junta before being allowed to emigrate to Israel in 1979, now presents himself as "Mr. Israel" in his latest book, *The Longest War*, a scathing denunciation of the Israeli operation in Lebanon.

The book has aroused a fierce and intense reaction even among those of us, myself included, who expressed reservations about the war, who opposed many of Menachem Begin's decisions, and who agonized over the moral implications of Israel's involvement in the Beirut massacre.

*The Longest War* is a propagandist gold mine for Israel's enemies. It is not merely another biased attack. It is a litany of lies and distortions. Ironically, it is written by a Jew who was rescued from imprisonment in Argentina thanks to the intervention effected on his behalf by those same Israelis whom today he slanders.

Timerman equates the Israeli generals with the Argentine officers who tortured him, going as far as to qualify Begin and his coalition as "terrorist" and "fascist." He throws mud at the government of Israel, the State of Israel, and the people of Israel who welcomed him, offered him a home, and provided him with the total freedom which he could not have in his native country.

At the same time, he refers to "we Israelis" as if he were one of them.

He discusses "nostalgia for something *we* all seem to have lost." He considers himself the quintessential Israeli father, telling his son not to serve in Lebanon. He speaks with the pain of an Israeli having lived through five wars, although he has been living in Israel for only three years.

With relation to Lebanon, Timerman resurrects all of those grotesque lies and distortions which the more responsible media have long since rectified. He accuses the Israeli army of destroying systematically the cities of Tyre, Damour and Sidon, to the point where "not one single house in Lebanon remains undamaged by the war." He fails to mention the fact that weeds grow abundantly among the greater part of the ruins in these cities, visibly showing that they were destroyed not by the Israelis in 1982, but rather five years earlier during the civil war between the Lebanese and the PLO.

He lies shamelessly when he says that "the wounded Israelis were treated at the world's best war hospitals; there were no hospitals for the wounded Palestinians and Lebanese." It is a fact proven by eyewitnesses and confirmed even by Israel's enemies that countless Syrians, Lebanese and Palestinians owe their lives to the medical assistance provided by the best Israeli surgeons at the best hospitals in the country.

Contradictions appear on every page. Timerman condemns the Israeli government for "creating artificially a confrontation between Ashkenazim and Sephardim," while he himself speaks of the Sephardim who are pro-Begin as "the least socially and culturally developed sector of the population." "The loyalty of these classes, always a majority, towards their

leaders," he says, "guarantees neither the rationality nor the health of a political situation." It is hard for me to understand what, if not the will of the majority, is the "rational basis" for that democratic system which Mr. Timerman so passionately defends.

One of his favorite roles is that of Jewish hero and martyr. He says:

Some three months before the invasion, over lunch with Professor Michael Walzer in Princeton, New Jersey, I suggested to him that if the two of us decided to commit suicide and explained in our wills that we were killing ourselves to stop Sharon's War, perhaps we could succeed in stopping it.

Look at the paragon of emotional stability who claims the right to judge, a few months later, Menachem Begin's mental sanity:

I studied the gestures, the looks, the tilting of the head, the vocal changes, the silences and pauses of our Prime Minister as he addressed his Jews last night (on television). It is my belief that he is unbalanced . . . Menachem Begin suffers from hallucinations.

A new star is born to brighten the skies of modern psychiatry! Psychiatrists trained in the best colleges of the world might sometimes take years to arrive at such a diagnosis, but Timerman can do it in a few minutes, just by observing the Prime Minister's motions during an address on television.

According to him

Israel is a country of great verbal violence . . . almost verbal cannibalism. Words must, before demonstrating one's own judgment, eradicate the existence of the opponent, devour him.

Timerman has certainly learned this art very quickly!

Unlike Timerman, most Israelis perceived a threat in the PLO arms build-up in southern Lebanon and Beirut. Unlike Timerman, most of

Israeli society, including the opposition Labor Party, supported the war, at least in its initial stages and its original purposes. Even Timerman himself recognizes that the majority of Israelis supported the invasion up to the time of the massacre, but that only shows, according to the author, that Israel is "a dictatorship of the majority" (!?). Actually, Timerman is playing a game often resorted to by the losing side. Because the majority has chosen a path that he opposes, he claims that democracy has failed, that the war in Lebanon delivered a catastrophic blow to Israel's democratic institutions, and that now "we will have to inspire the majority of Israelis to cherish democracy."

Thank you, Mr. Timerman, but the majority of Israelis do cherish democracy without your having to inspire them. That same democratic majority that initially backed the war was also responsible for the mass protest in the streets of Tel Aviv and the establishment of the investigating commission to study the Sabra and Chatila massacres. This is an example of democracy at work, and not of democracy being strangled by some uncontrollable war machine.

With his characteristic poison, Timerman foresaw that the results of the inquiry would be neither published nor acted upon.

I fear that the Israeli discipline which totally dominates the subconscious of all of us will result in an investigation that, in effect, protects the criminals from the punishment they deserve, and that the Israeli people will suffer an overwhelming loss in respect and moral standing in the eyes of the world.

This was his "vote of confidence!" Timerman was wrong. The report of the Kahan Commission has now been published, the names of all those indirectly responsible have been openly disclosed, the guilty ones have been released from their



posts, and Israel has gained respect and moral standing in the eyes of the entire world.

I personally have many misgivings about Timerman, the man. I publicly criticized him upon the launching of his first book, *Prisoner Without a Name, Cell Without a Number*, for everything he said about the Argentine Jewish community and its leaders. First he attacked the Jews of Argentina, now he attacks the Jews of Israel. Who, after all, are the Jews whom he claims to love so deeply?

Once again, Jacobo Timerman reveals himself to be a maximum opportunist and demagogue, a specialist in left-liberal gibberish, bereft of true feeling, vision, insight and intellectual honesty. *The Longest War* will disgust the majority of Jews, independently of their political convictions. Its only use will be, perhaps, as a study of a classic case of Jewish self-hatred in its lowest form.

---

HENRY I. SOBEL is rabbi of *Congregação Israelita Paulista*, São Paulo, Brazil.

### Old-Fashioned History

*The History of the Jewish People, volume I: The Antiquity.* By MOSES A. SHULVASS. Chicago. Regnery Gateway, 1982. xiii + 264 pp., \$19.95.

*Reviewed by* SHAYE J. D. COHEN

THIS IS the first volume of a proposed five-volume survey of Jewish history from Biblical times until the present. The author, Distinguished Service Professor of Jewish History at the Spertus College of Judaica in Chicago, has as his intended audience those lay people and other non-specialists who, on the one hand, are intimidated by the breadth and depth of Salo Baron's multi-volume *A Social and Religious History of the Jews*, but who, on the other hand, want more hard data than is provided by, say, Chaim Potok's *Wanderings*. For them Shulvass intends to write an intermediate length survey.

Volume one begins with the Israelites in Egypt and ends with the dawn of the medieval world (about the sixth-seventh century CE). In his preface Shulvass stresses that many aspects of these centuries are unknown and unknowable. He dis-

misses the period from Abraham to the Judges in only thirteen pages, and he frequently admits throughout the book that one point or another is obscure. In spite of this stated skepticism, however, Shulvass basically gives an "old-fashioned" view of ancient Jewish history which does not take into account the questions raised by modern scholarship. The Pharisees and Sadducees are described as if nothing has happened in Jewish scholarship in the last fifty years. Rabbinic anecdotes are treated as trustworthy historical sources although their trustworthiness has come under increasing attack recently. The wicked gentile king Antiochus Epiphanes is held responsible for the persecution of Judaism which led to the revolt of the Maccabees, although many scholars today would assign at least some of the responsibility to his Jewish supporters. Shulvass gives no indication that these points are the subject of scholarly debate.

This brings me to the major weakness of the book. In spite of the directness and clarity of Shulvass' prose ("The Antiquity" is an atypical solecism) and the superb organization of the volume, the book is dull. The reader gets no

sense of the excitement and fascination of ancient Jewish historiography and history. In the period surveyed by this volume, Biblical Israel developed into Post-Biblical Judaism; priests, prophets, and kings were replaced by sages and rabbis; the temple was replaced by the synagogue, the sacrificial cult by prayer and Torah study; but none of these crucial developments is treated conceptually. Nor does the reader get any sense of the enormous variety of sources upon which a modern historian must draw for ancient Jewish history. Shulvass plods along chronologically and geographically, never making a methodological statement, or articulating a philosophy of Jewish history, or presenting the questions which his work will attempt to answer. The monotony is not relieved by a single map, chart, photograph, or figure, not even a timeline or chronological table.

The 225 pages of this book invite

comparison with the first 382 pages of *A History of the Jewish People*, edited by Haim Hillel Ben-Sasson (Harvard University Press, 1976; translated from Hebrew) which survey roughly the same period. The Harvard History is as old-fashioned as Shulvass and, as a result of its greater length, is even more detailed than Shulvass, but at least its dullness is enlivened by a clearly articulated Zionist bias which ought to infuriate any attentive reader committed to Jewish life in the Diaspora. Not only does Shulvass not engage in an ideological struggle with the Harvard History, he does not advance any thesis or ideology at all. Volume One of his history, then, is not really a history. Factual and solid, it is merely a chronicle of the Jewish past.

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SHAYE J.D. COHEN is associate professor of Jewish history at The Jewish Theological Seminary.

### **We Must Not Forget**

*The Holocaust as Historical Experience.* By YEHUDA BAUER and NATHAN ROTENSTREICH, eds. New York & London. Holmes and Meier, 1981. 282 pp., \$24.50.

*Reviewed by* JOSEPH SUNGOLOWSKY

THIS VOLUME represents a compendium of papers delivered by a group of international scholars at a colloquium held in New York in 1975 on the theme: "The Holocaust: A Generation After" and attended by this reviewer. It consists of a conceptual evaluation of the Holocaust, testimonies by witnesses of specific events and a discussion of the institution of the *Judenrat* or Jewish Councils set up by the Nazis. While many of the

topics have been unceasingly examined over the years, the volume succeeds in guiding the general reader who seeks to learn some basic truths as he finds himself confused, if not bewildered, by the growing body of Holocaust literature.

The uniqueness of the Holocaust was analyzed especially with respect to the Nazi view of Jews as sub-humans. Although early Nazi propaganda dwelt on the subject, the physical destruction of the Jews is deemed by Jacob Katz to be an absolutely new phenomenon that was not predictable on the basis of historical experience. That is also the opinion of Saul Friedlander who clearly demonstrates that the Nazis ended up by considering the Jews mere bacilli to be exterminated. Nathan Rotenstreich fur-

ther explains that, in regarding Jews as non-humans, the Nazis no longer felt obliged to fight against them with the tactical devices used in combating a conventional enemy and could freely embark upon a policy of mass murder. Such evidence hardly tolerates Richard Rubenstein's analysis which absolves Nazis of any crimes, as they were mere instruments of an immoral society which chose to consider certain humans as "superfluous" and, therefore, to destroy them. In the discussion that ensued at the conference, Rubenstein was duly reminded that the Nazi regime was nothing but a criminal government which "clandestinely" decided to exterminate the Jews while, on the other hand, it did not consider them superfluous whenever it enlisted their help.

The Holocaust was also analyzed in its relationship with the historical past. George Mosse shows that the stereotype of the Jew that was propagated by medieval Christianity was alive as late as the prewar years when accusations of ritual murder were still being made. Christian teachings lingered on even in a secularized ideology, and a recurring theme in these essays is the failure of the Emancipation to effect the complete assimilation of the Jews. Saul Friedlander points out that, to Western civilization, the Jews were outsiders, much like K. in Kafka's *Castle* who becomes more isolated the more he tries to belong. The insiders were the Nazis who regarded themselves as the true bearers of Western values. As described by Uriel Tal, the stage was set for Nazism as a cult in which God is an Aryan, the Führer the saviour and the Jews the designated victims.

With the passage of time, eyewitness accounts are increasingly precious. One is Abba Kovner's "First Attempt to Tell." Kovner was formerly a commander of the Jewish

Partisan Organization in the Vilna ghetto and is to-day a renowned Israeli poet. He recalls, among other events, the hiding of miraculously smuggled weapons among the volumes of Josephus's *Jewish War* in the ghetto library and the elation of the partisans after they blew up a train of German troops in revenge for the massacres of Ponar. Because there is so much to relate of the numerous activities of the partisans, Kovner must choose only some of their heroic feats and he evokes them in almost lyrical lines. The information given by Michael Mazor, an eyewitness and historian of the Warsaw ghetto, on the functioning of the House Committees in the Warsaw ghetto is most valuable in view of the fact that little is known on the subject. These committees were composed of dedicated volunteers who brought sustenance and relief to the inmates of the ghetto until they were deported, along with those whom they had helped.

The tragedy of Hungarian Jewry is the subject of two detailed papers. The contribution by Randolph L. Braham, author of the meticulous study in two volumes, *The Politics of Genocide: The Holocaust in Hungary* (Columbia University Press, 1981), is a solidly documented indictment of the Jewish leadership of Hungary which seems to have been indifferent to early warning signs of the oncoming disaster. Related to that topic is the paper by Bela Vago, a specialist on the history of south-eastern Europe, comparing Hungarian and Romanian Jewish leaders, the latter being less aloof and more dedicated and, therefore, more instrumental in saving Jewish lives. Yet, in reading those essays, one should keep in mind the ruthlessness of the Nazis who exacted as many Jews as possible wherever and whenever they could.

The discussion on the *Judenrat* is disorderly and often redundant. It focuses on the examination of Isaiah Trunk's book, *Judenrat* (Macmillan, 1972), the definitive work on the subject to this date. While recognizing the merits of Trunk's work, Raul Hilberg voices his long harbored rancor against the *Judenrat* which he sees as a self-deluding and self-destructive institution unaware of the need to resist. Yehuda Bauer and other participants hold more balanced views in pointing out the diversity of responses by the *Judenräte*, that went from passivity and compliance to the pursuit of policies of salvation and cooperation with armed resistance. In many cases, *Judenräte* supported a philosophy of clinging to life, itself an act of resistance.

Only some of the scholars pertinently put the Holocaust into perspective. Jacob Katz wonders whether it will remain forever an event of the past, especially with the presence of the State of Israel, or whether it may reawake on a future occasion. Since there is still no unanimity in the world as to whether the Jew has a rightful or lower claim to existence and, as

Katz maintains, history cannot predict the future, he is unable to answer that question. Yehuda Bauer sees Israel's militancy as a result of the Jewish resistance against Nazism, a view that destroys the so-called "like sheep to slaughter" theory. In weighing Jewish activism against the adjustment too often sought by Diaspora Jews, Nathan Rotenstreich wonders whether Israel is not sometimes "overactive."

Even as the Holocaust is to remain, in the words of Abba Kovner, an incomprehensible "abyss," a diversified approach, like the one adopted at this conference, proves helpful in apprehending it. Perspectives offered by various disciplines will broaden our understanding of it. Testimonies by survivors will enlighten points that will forever elude the researcher. Balanced debates can clarify many a heated controversy. The present volume is a valuable introduction to this threefold methodology.

---

JOSEPH SUNGOLOWSKY teaches French literature and the Holocaust at Queens College of the City University of New York.

## BOOKS RECEIVED

*From May through July 1983*

Listing of a book does not preclude its being reviewed in a subsequent issue of JUDAISM.

### Aggadah

Nadich, Judah. *Jewish Legends of the Second Commonwealth*. Philadelphia, Pa.: Jewish Publication Society, 1983. 477 pp., \$25.00.

### Biography

Brown, Robert McAfee. *Elie Wiesel-Messenger to All Humanity*. Notre Dame, Indiana: University of Notre Dame Press, 1983. 240 pp., \$16.95.

### Comparative Religion

Ayers, Robert H. *Judaism and Christianity*. Lanham, Md.: University Press of America, 1983.

Neusner, Jacob, ed. *Take Judaism, for Example*. Chicago: University of Chicago Press, 1983. 244 pp.

### Contemporary Judaism

Burstein, Chaya M. *The Jewish Kids Catalog*. Philadelphia: Jewish Publication Society, 1983. 224 pp., \$10.95 (paper).

Gruber, Ruth. *Haven—World War II Refugees*. New York: Putnam Publishing Co., 1983. 335 pp., \$15.95.

Katz, Steven T. *Post Holocaust Dialogue*. New York: Columbia University Press, 1983. 327 pp., \$24.50.

Sachar, Abraham L. *The Redemption of the Unwanted*. New York: St. Martin's Press, 1983. 334 pp., \$19.95.

### Education

Chazan, Barry, ed. *Studies in Jewish Education* Vol. 1. Jerusalem: Magnes Press, 1983. 239 pp., \$20 (paper)

### Fiction

Ellis, Julie. *East Wind*. New York: Arbor House, 1983. 350 pp., \$15.95.

### Hasidism and Mysticism

Jacobs, Louis. *On Ecstasy: A Tract by Dohb Baer of Lubavitch*. Chappaqua, New York: Rossell Books (paper reprint).

Kushner, Lawrence. *Honey From the Rock: Ten Gates of Jewish Mysticism*. San Francisco: Harper & Row, 1983. 149 pp., \$7.95 (paper).

Petuchowski, Jakob J. *Our Masters Taught. Rabbinic Stories and Sayings*. New York: Crossroads Publishing Co., 1983. 115 pp., \$10.95.

Rotenberg, Mordechai. *Dialogue With Deviance: The Hasidic Ethic and the Theory of Social Contradiction*. Philadelphia: Ishi Publications, 1983. 214 pp., \$25.

Schwartz, Howard. *The Captive Soul of the Messiah: New Tales About Reb Nachman*. New York: Schocken Books, 1983. 288 pp., \$16.95 (paper).

### Hebrew Literature

Diamond, James S. *Barukh Kurzweil and Modern Hebrew Literature*. Chico, California: Scholars Press, 1983. 218 pp., \$18.00 (paper).

Nieman, Morris. *A Century of Modern Hebrew Literary Criticism: 1784-1884*. New York: KTAV, 1983. 247 pp., \$20.00.

### Holocaust

Charney, Israel W., foreword by Elie Wiesel. *Genocide. The Human Cancer*. Hearst Books, 1983. 430 pp., \$10.45 (paper).

Dewar, Diana. *The Saint of Auschwitz, The Story of Maximilian Kolbe*. New York: Harper & Row, 1983. 146 pp., \$5.95 (paper).

Dorian, Emil. *The Quality of Witness*, edited by Marguerite Dorian, trans. Mara Soceanu Vamos. Philadelphia: Jewish Publication Society, 1983. 350 pp., \$19.95.

Eisenberg, Azriel. *Witness to the Holocaust*. New York: Pilgrim Press, 1983. 649 pp., (paper).

Handler, Andrew. ed and translator. *The Holocaust. An Anthology of Jewish Response in Hungary*. University, Ala: University of Alabama Press, 1982. 162 pp., \$15.75.

Korenblit, Michael and Kathleen Janger. *Until We Meet Again*. New York: Putnam Publishing Co., 1983. 298 pp., \$16.95.

Mesch, Abraham J., and Nathan Hanover, eds. *Abyss of Despair*. New Brunswick, N.J.: Rutgers State University Press, 1983. 140 pp., \$14.95 (paper).

Porter, Jack Nusan. *Confronting History and Holocaust. Collected Essays 1972-1982*. Washington, D.C.: University Press of America, 1983. 147 pp., \$9.75.

### Israel

Bar Zohar, Michael and Eitan Haber. *The Quest for the Red Prince*. New York: William Morrow and Co. 1983. 232 pp., \$15.95.

Lilker, Shalom. *Kibbutz Judaism, A New Tradition in the Making*. New Jersey: Cornwall Books, 1983. 264 pp., \$14.95.

### Jewish-Christian Relations

Fisher, Eugene J. *Seminary Education and Christian-Jewish Relations*. Washington, D.C.: National Catholic Educational Association, 1983. 96 pp., \$4.00 (paper).

- Parkes, James. *End of an Exile, Israel, the Jews and the Gentile World*. Mass.: Micah Publishers, 1982. 271 pp., \$8 (paper).
- Prager, Dennis and Joseph Teluchkin. *Why the Jews: The Reason for Antisemitism*. New York: Simon & Schuster, 1983. 238 pp., \$14.95.
- Rappaport, Solomon. *Jew and Gentile. A Philo-Semitic Aspect*. New York: Philosophical Library, 1980. 258 pp., \$17.50.
- Thompson, Norma H. and Bruce K. Cole eds. *The Future of Jewish-Christian Relations*. Schenectady, New York: Character Research Press, 1982. 280 pp. (paper).
- Zweigenhaft, Richard L. and G. William Domhoff. *Jews in the Protestant Establishment*. New York: Praeger Special Studies, 133 pp.

### **Jewish History**

- Fernandez, Luis Suarez. *Les juifs espagnols au moyen age*. Paris, France: Gallimard, 1983. 350 pp. (paper).
- Schnapper, Dominique, tr. Arthur Goldhammer. *Jewish Identities in France. An Analysis of Contemporary French Jewry*. Chicago: University of Chicago Press, 1983. 181 pp., \$25.
- Stanislowski, Michael. *Tsar Nicholas I and the Jews. The Transformation of Jewish Society in Russia 1825-1855*. Philadelphia: Jewish Publication Society of America, 1980. 246 pp., \$18.95.
- Wacholder, Ben Zion. *The Dawn of Qumran, The Sectarian Torah and the Teacher of Righteousness*. New York: KTAV, 1983. 310 pp., \$25.

### **Jewish Practice**

- Greenberg, Blu. *How to Run a Traditional Jewish Household*. New York: Simon & Schuster, 1983. 525 pp., \$19.95.
- Grossman, Elliot A. *Circumcision, A Pictorial Atlas of its History, Instrument Development and Operative Techniques*. Great Neck, New York: Todd & Honeywell Inc., 1983. 95 pp., \$19.95.

### **Law and Social Justice**

- Danelski, Daniel J. *Rights, Liberties and Ideals: The Contributions of Milton R. Konvitz*. Littleton, Cal.: Fred R. Rothman & Co., 1983. 182 pp., \$19.95.
- Spero, Shubert. *Morality, Halakha and the Jewish Tradition*. New York: KTAV, 1983. 381 pp., \$20.

### **Medieval Studies**

- Cohen, Jeremy. *The Friars and the Jews. The Evolution of Medieval Anti-Judaism*. Ithaca, N.Y. and London, England: Cornell University Press, 1982. 301 pp.

### **Philosophy**

- Friedman, Maurice. *Martin Buber's Life and Work. The Early Years 1879-1923*. New York: E.P. Dutton, 1983. 455 pp., \$25.



——— *Martin Buber's Life and Work, the Middle Years: 1923–1945*. New York: E.P. Dutton, 1983. 398 pp., \$29.95.

Mendes-Flohr, Paul R. ed. *A Land of Two Peoples. Martin Buber on Jews and Arabs*. New York: Oxford University Press, 1983. 319 pp., \$29.95.

### Theology

Agus, Jacob B. *The Jewish Quest*. New York: KTAV, 1983. 264 pp., \$20.00.

Borowitz, Eugene B. *Choices in Modern Jewish Thought*. New York: Behrman House, 1983. 305 pp., \$9.95 (paper).

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## *Guide for the Perplexed*

EDMUND PENNANT

In Cordoba, starting from the tranquil  
statue of Maimonides, red swastikas  
on the walls, painted not in haste  
but with a steady hand.

Whoever stroked these graffiti knew  
day after day, Jews  
from all over the world  
would come here, stumbling  
through the heat, looking for  
the ancient Moorish synagogue  
on the Calle de los Judios,  
lost among the medieval streets.

Even in this evil, it is possible  
to find some good. The route,  
so devious and difficult for strangers,  
is easy to follow now.

---

EDMUND PENNANT *teaches part-time at Adelphi University.*

# JOSEPHUS

## The Jewish War

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After two millennia, Flavius Josephus' *The Jewish War* remains the sole primary source for the history of the Second Temple, as well as a classic of Jewish-Hellenistic literature. He narrates Israel's struggle with verve, from Antiochus Epiphanes, to the Temple's destruction, and Masada's tragic heroism.

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